



The Calcutta Gazette

EXTRAORDINARY.

SATURDAY, AUGUST 25, 1917.

GOVERNMENT OF BENGAL.

POLITICAL DEPARTMENT.

The following notification, issued by the Government of India in the Home Department, published in the *Gazette of India, Extraordinary*, dated the 20th August 1917, is republished for general information.

J. H. KERR,

Chief Secy. to the Govt. of Bengal.

NOTIFICATION.

POLITICAL.

No. 2111.

Simla, the 20th August, 1917.

The following announcement is being made this day by the Secretary of State for India in the House of Commons and is published for general information :

Announcement by the Secretary of State for India.

The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible Government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance, as a preliminary to considering what these steps should be, that there should be a free and informal exchange of opinion between those in authority at home and in India. His Majesty's Government have accordingly decided, with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of Local Governments, and to receive with him the suggestions of representative bodies and others.

I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India on whom the responsibility lies for the welfare and advancement of the Indian peoples must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility.

Ample opportunity will be afforded for public discussion of the proposals, which will be submitted in due course to Parliament.

J. H. DuBOULAY,
Secretary to the Govt. of India.

The following notification issued by the Government of India, in the Army Department, published in the *Gazette of India, Extraordinary*, dated the 20th August 1917, is republished for general information.

J. H. KERR,
Chief Secy. to the Govt. of Bengal.

Simla, the 20th August 1917.

NOTIFICATION.

APPOINTMENTS.

Announcement by the Secretary of State for India.

No. 1367.—The following telegram has been received from the Secretary of State for India and is published for general information :

Begins. The Secretary of State for India has announced in House of Commons the decision of His Majesty's Government to remove bar which has hitherto precluded admission of Indians to commissioned rank in His Majesty's Army and steps are accordingly being taken respecting grant of commissions to nine Indian officers belonging to Native Indian Land Forces who have served in field in present war and whom Government of India recommended for this honour in recognition of their services. Their names will be notified in *London Gazette* and in same Gazette they will be posted to Indian Army

The Secretary of State and Government of India are discussing the general conditions under which Indians should in future be eligible for commissions. In due course the Army Council will be consulted with a view to introduction of a carefully considered scheme to provide for the selection of candidates and for training them in important duties which will devolve upon them. *Ends.*

A. H. BINGLEY, MAJOR-GENERAL,
Secretary to the Govt. of India.



The Calcutta Gazette

EXTRAORDINARY.

THURSDAY, SEPTEMBER 13, 1917.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

No. 105T.L., dated the 12th September, 1917.—The following Act, passed by the Legislative Council of the Governor of Bengal, received the assent of His Excellency the Governor on the 5th September, 1917, and, having been assented to by His Excellency the Viceroy and Governor-General on the 12th *idem*, is hereby published for general information :—

BENGAL ACT No. 1 OF 1917.

THE CALCUTTA MUNICIPAL (AMENDMENT) ACT, 1917.

An Act to amend the Calcutta Municipal Act, 1899. Ben. Act III of 1899.

WHEREAS it is expedient further to amend the Calcutta Municipal Act, 1899, in the manner herein-after appearing:

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Calcutta Municipal (Amendment) Act, 1917.

Amendment of section 3 of Bengal Act III of 1899.

2. Before clause (1) of section 3 of the Calcutta Municipal Act, 1899 (hereinafter called the said Act), the following shall be inserted, namely:—

Ben. Act III of 1899.

“Adulterated.”

“(1) ghee shall be deemed to be ‘adulterated’—

- (i) if any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality, or
- (ii) if any substance has been substituted wholly or in part for the article, or
- (iii) if any valuable constituent of the article has been wholly or in part abstracted.”

Amendment of section 18.

3. In section 18 of the said Act, after the words and figures “section 504” the words, figures and brackets “section 507, sub-section (5)” shall be inserted.

New sections 495A and 495B.

4. After section 495 of the said Act, the following shall be inserted, namely:—

“495A. (1) Notwithstanding anything contained in section 495, no person shall sell, expose or hawk about for sale, or manufacture or store for sale, any ghee which contains any substance which is not derived exclusively from milk or which is adulterated, unwholesome or unfit for human food.

(2) No person shall sell, expose or hawk about for sale, or manufacture or store for sale, any article similar to ghee under a name which in any way resembles the name of the article.

(3) In any prosecution under this section it shall be no defence to allege that the vendor, manufacturer or storer was ignorant of the nature, substance or quality of the article sold, exposed or hawked about for sale, or manufactured or stored for sale, by him.

(4) In any prosecution under this section the Court shall, unless and until the contrary is proved, presume that any ghee found in the possession of a person who is in the habit of manufacturing or storing ghee, has been manufactured or stored for sale by such person.

The Calcutta Municipal (Amendment) Act.

(Sections 5-10.)

(5) No proceedings shall be instituted under this section without the written order of the Chairman.

495B. (1) No person shall keep or permit to be kept in any factory, shop or place in which ghee is manufactured or stored, any substance intended to be used for the adulteration of such ghee.

(2) If any article capable of being so used is found in such factory, the Court shall, unless and until the contrary is proved, presume, in any prosecution under this section, that it is intended so to be used."

Amendment of section 496.

5. In section 496 of the said Act, the word "ghee" shall be omitted.

Amendment of section 503.

6. After sub-section (2) of section 503 of the said Act, the following shall be inserted, namely:—

"(2a) The Chairman may, instead of carrying away any ghee seized under sub-section (2), leave the same in such safe custody as he may think fit in order that the same may be dealt with as hereinafter in this Chapter provided, and no person shall remove such ghee from such custody or interfere or tamper with the same in any way while so detained."

New section 503A.

7. After section 503 of the said Act, the following shall be inserted, namely:—

"503A. The provisions of sections 502 and 503 shall also apply to any ghee in course of transit in Calcutta or stored in any place in Calcutta."

Amendment of sections 504 and 505.

8. In sub-section (1) of section 504 and sub-section (1) of section 505 of the said Act, after the words and figures "section 503" the words and figures "or section 503A" shall be inserted.

Amendment of section 505.

9. In sub-section (1) of section 505 of the said Act, after the word "forthwith" the words, figures and brackets "subject to the provisions of section 503, sub-section (2a)" shall be inserted.

Amendment of section 507.

10. In section 507 of the said Act,—

(1) after sub-section (1), the following shall be inserted, namely:—

"(1a) The Chairman may require, on tendering the price for it, the sale to him, during the process of manufacture or during storage, of any quantity of ghee, not being more than is reasonably requisite for division and disposal under sub-section (2) and sub-section (3), and any person in possession of the said-ghee shall be bound to sell such quantity.

(1b) The Chairman may likewise require the surrender to himself, for the purpose of analysis, of such quantity as is reasonably requisite for such process, of any ghee which is—

(a) in course of transit in Calcutta, or

(b) stored in any place in Calcutta;

and in every such case the price of the ghee so surrendered shall be payable by the Chairman to the owner of the same, if claimed by such owner within one month from the date of the said surrender";

*The Calcutta Municipal (Amendment) Act.**(Section 11.)*

(2) in sub-section (2) of the said section, the words "offer to" shall be omitted;

(3) in sub-section (3) of the said section, the words "If such offer be accepted" and the words "shall proceed accordingly, and" shall be omitted;

(4) after sub-section (3) of the said section, the following shall be added, namely:—

"(4) When any ghee is surrendered under sub-section (1b), the Chairman shall forthwith notify to the person in charge of the said ghee his intention to have the same analysed, and shall thereupon, so far as may be, proceed to deal with the ghee so surrendered in the manner provided in sub-section (2) and sub-section (3).

(5) A report signed by an analyst certified by the Chairman to be employed by the Corporation for the purpose of analysing ghee shall be sufficient evidence of the result of such analysis."

Amendment of
section 574.

11. In the table in section 574—

(1) after the entries relating to section 495, sub-section (1), the following shall be inserted, namely:—

"Section 495A, sub-section (1).	Sale, etc., of ghee not derived exclusively from milk, or which is adulterated, unwholesome or unfit for human food.	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.
Section 495A, sub-section (2).	Sale, etc., of article similar to ghee.	One hundred rupees for a first offence and five hundred rupees for any subsequent offence.
Section 495B, sub-section (1).	Keeping or permitting to be kept any substance intended to be used for adulteration of ghee.	One hundred rupees for a first offence and five hundred rupees for any subsequent offence";

(2) after the entries relating to section 499, sub-section (2), the following shall be inserted, namely:—

"Section 503, sub-section (2a).	Removing, interfering or tampering with ghee seized and left in custody.	Two hundred rupees";
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(3) for the entries relating to section 507, sub-section (1), the following shall be substituted, namely:—

"Section 507, sub-section (1).	Sale, for purposes of analysis, of food exposed for sale.	Two hundred rupees in case of ghee and fifty rupees in case of other food.
Section 507, sub-sections (1a) and (1b).	Sale or surrender of ghee, for purposes of analysis, during manufacture, etc.	Two hundred rupees."

C. TINDALL,

*Secretary to the Govt. of Bengal and
Secretary to the Bengal Legislative Council.*



The Calcutta Gazette

EXTRAORDINARY.

SATURDAY, SEPTEMBER 15, 1917.

GOVERNMENT OF BENGAL.

POLITICAL DEPARTMENT.

POLITICAL.

NOTIFICATION.

No. 3300P.D.—The 13th September 1917.—In exercise of the powers conferred by section 12, sub-section (1) of the Indian Press Act, 1910 (1 of 1910), the Governor in Council declares to be forfeited to His Majesty all copies, wherever found, of a leaflet printed in Bengali entitled "Swadhin Bhārat" (Independent India) beginning with the words "Biswa Manaba Shanti Prayashi" (The whole of mankind is striving for peace), and ending with the words "Uttisthata, Jagrata Prapya Baran. Nibodhata-Bande Mataram" ("Arise, awake and receive instruction from the learned, be enlightened, Bande Mataram") and all copies of all other documents containing the matter of the said leaflet, on the ground that the said leaflet contains exhortations to rebel against the British Government and to commit murder, and appears to the Governor in Council to contain words which have a tendency to incite to acts of violence and are of the nature described in section 4, sub-section (1), clause (a) of the said Act.

J. H. KERR,

Chief Secy. to the Govt. of Bengal.



The Calcutta Gazette

EXTRAORDINARY.

MONDAY, SEPTEMBER 24, 1917.

GOVERNMENT OF BENGAL.

APPOINTMENT DEPARTMENT.

NOTIFICATION.

Calcutta, the 24th September 1917.

No. 4797A.—Whereas His Excellency the Right Hon'ble the Governor in Council has, under the provisions of section 86 of the Government of India Act, 1915 (5 and 6 Geo. 5, Ch. 61), granted leave of absence under medical certificate for five months to the Hon'ble Mr. N. D. Beatson Bell, C.S.I., C.I.E., I.C.S., an ordinary Member of the Council of the Governor of the Presidency of Fort William in Bengal; and whereas no person conditionally appointed to succeed to the office is present on the spot, His Excellency the Governor in Council is pleased, under the provisions of section 92 of the said Act, to appoint the Hon'ble Mr. John Ghest Cumming, C.S.I., C.I.E., I.C.S., to be a temporary Member of the said Council.

2. In pursuance of his appointment the Hon'ble Mr. John Ghest Cumming has this day in the afternoon taken upon himself the execution of his office under the usual salute.

By order of the Governor in Council,

J. H. KERR,
Chief Secy. to the Govt. of Bengal.



The Calcutta Gazette

EXTRAORDINARY.

MONDAY, NOVEMBER 5, 1917.

GOVERNMENT OF BENGAL.

POLITICAL DEPARTMENT.

The following notification, issued by the Government of India in the Military Secretary's Office, published in the *Gazette of India Extraordinary* dated the 3rd November 1917, is republished for general information.

N. G. A. EDGLEY

Offg. Chief Secy. to the Govt. of Bengal.

NOTIFICATION.

Delhi, the 3rd November 1917.

No. 5802-M.—Intelligence having been received of the death of His Royal Highness Prince Christian, K.G., P.C., G.C.V.O., Court Mourning is ordered for four weeks from the 29th October, half mourning commencing from the 19th November 1917.

When attending at the Viceregal Court, ladies will appear in black until the 18th November and thereafter in half mourning (white, grey or mauve). Officers will, when in uniform and attending Viceregal Lodge, wear a crape band on the left arm throughout the period of Court Mourning.

By Command,

R. VERNEY, LT.-COLONEL,

Military Secretary to the Viceroy.



The Calcutta Gazette

EXTRAORDINARY.

THURSDAY, NOVEMBER 22, 1917.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

No. 1186 L., dated the 20th November, 1917.—The following Bill was introduced in the Bengal Legislative Council on the 20th November, 1917, and is hereby published for information, together with the Statement of Objects and Reasons annexed thereto :—

THE CALCUTTA MUNICIPAL BILL, 1917.

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ON OF PROFESSIONS, TRADES AND CALLINGS.

RULE.

1. Classes of licenses, and tax on each.
2. Licenses to be either personal or local.
3. Only one personal license required for each person.
4. Personal license for members of firms.
5. Local license required for each business.
6. Valuation of places of business not separately valued under Chapter XI.
7. When both personal and local license required.
8. Occupier ordinarily to be licensee.
9. Continuance of liability in same class.
10. Time for presentation of applications for remissions, etc.
11. Power to Commissioner to issue notices to take out licenses, etc.
12. Commissioner to prove liability when service of notice not proved.
13. Appeal to General Appeals Committee, or to Court of Small Causes.
14. Statement by appellant.
15. Procedure of Court in appeal.
16. Finality of order of Commissioner when no appeal.

SCHEDULE III.

WARDS FOR PURPOSES OF THE ELECTION OF WARD
COUNCILLORS AND OF VALUATION.

SCHEDULE IV.

DISTRICTS FOR PURPOSES OF THE ELECTION OF
MAHOMEDAN COUNCILLORS.

SCHEDULE V.

RULES FOR THE PREPARATION AND PUBLICATION OF
THE WARD AND MAHOMEDAN ELECTION-ROLLS.

1. Preparation of lists of voters.
2. Payment of municipal taxes a condition precedent to entry in list of voters.

RULE.

3. Arrangement of lists of voters.
4. Publication of lists.
5. Sale of copies of lists.
6. Notice of publication and sale of lists.
7. Notice of claim to be entered on list and objections to entries.
8. Representation of associations of individuals.
9. Revision of lists.
10. Adjournments.
11. Lists when revised and signed to be the election rolls.
12. Publication of election rolls.
13. Sale of copies of rolls.
14. Commencement and continuance of rolls.

SCHEDULE VI.

RULES FOR CONDUCT OF ELECTIONS.

1. Notice of elections.
2. Nomination-papers.
3. Power to declare nomination invalid.
4. Publication of list of candidates for election.
5. Poll when unnecessary.
6. Poll when and how to be taken.

SCHEDULE VII.

TAX ON CARRIAGES AND ANIMALS.

SCHEDULE VIII.

SCAVENGING-TAX.

SCHEDULE IX.

FORM OF NOTICE OF DEMAND.

SCHEDULE X.

FORM OF WARRANT OF DISTRESS.

SCHEDULE XI.

TABLE OF FEES PAYABLE ON WARRANTS OF
DISTRESS.

SCHEDULE XII.

FORM OF NOTICE OF SALE.

SCHEDULE XIII.

RULES AS TO PRIVATE CONNECTIONS TO PREMISES
AND METERS.

Private Connections to Premises.

RULE.

1. Separate service-pipes for separate premises.
2. Separate stop-cocks and underground hydrants or taps for supply of unfiltered water to private premises.
3. Outer stop-cocks.
4. Size of ferrules.
5. Construction of service-pipes, ferrules and works.
6. Power to Commissioner to inspect premises.
7. Replacing or alteration of fittings for supplying water.
8. Inspection of works, etc., by qualified officer before permitting connection with mains.

Meters.

9. Testing of meter.
10. Payment by occupier in case of incorrectness of meter.
11. Replacing of meter.
12. Prohibition of fraud in respect of meter.
13. Prohibition of injuring meter or fittings.

SCHEDULE XIV.

RULES AS TO DRAINS, PRIVIES AND URINALS.

Drains.

1. Plans of house-drains to be submitted to Commissioner.
2. Material and joints.
3. Size.
4. Angles.
5. How to be laid.
6. Prohibition of inlet within building.
7. Traps.
8. Ventilation.
9. Soil-pipe of connected-privy or urinal.
10. Ventilation of soil-pipe of connected-privy or urinal detached from building.

RULE.

11. Waste-pipes.
12. Open house-drains.
13. Type-plans.
14. Maintenance of house-drains kept up for the benefit of certain premises only.
15. Maintenance of house-drains jointly used by two or more premises.
16. Power to Commissioner to supervise and require alteration of work of laying underground drain.
17. Restriction on construction of drain beneath building.
18. Drains passing beneath a building.

Privies and Urinals.

19. Plans of privies and urinals to be submitted to Commissioner.
20. Power to Commissioner to refuse to sanction service-privy or service-urinal which will be a nuisance.
21. Regulation of site of service-privies and service-urinals.
22. Power to Commissioner to require substitution of connected-privies for service-privies and connected-urinals for service-urinals.
23. Power to Commissioner to require owner to provide access to service-privy or service-urinal from street.
24. Models and type-plans.
25. Drains.
26. Floor.
27. Walls and roof.
28. Platform.
29. Ventilation of privies and urinals in, or adjacent to, buildings.
30. Service-privies and urinals to be provided with a movable receptacle for sewage.
31. Connected-privies and urinals to be separated from kitchens, etc.
32. Flushing of connected-privies and of urinals.
33. Pan for connected-privies and urinals.
34. Water-trap.
35. Syphon-trap and anti-syphonage pipe.
36. Prohibition of "containers" and "D traps".
37. Soil-pipe for connected-privies and connected urinals.
38. Enforcement of the foregoing rules in the case of future privies or urinals.

Appeal.

39. Appeal to the General Appeals Committee.

SCHEDULE XV.

RULES AS TO THE REGULATION, MAINTENANCE,
PROTECTION AND REPAIR OF STREETS AND PUBLIC
PLACES.

*Regulation, Maintenance and Protection of Streets
and Public Places.*

RULE.

1. Cutting of hedges and trees and power to Commissioner to cause same to be cut.
2. Regulation of verandahs, etc., projecting over streets.
3. Sky-signs.

Execution of Works in Public Streets.

4. Guarding and lighting when public street opened or broken up and speedy completion of work.
5. Power to Commissioner to prevent or restrict traffic in street during progress of work.
6. Provision of facilities, and payment of compensation, when work executed by Commissioner in public street.

*Naming of Public Streets and Numbering of
Premises.*

7. Posting of street names.
8. Numbering of premises.

Appeal.

9. Appeal to the General Appeals Committee.

SCHEDULE XVI.

RULES AS TO THE USE OF BUILDING-SITES AND THE
EXECUTION OF BUILDING-WORK.

Part I.—Building-sites.

RULE.

1. Conditions as to use of building-sites.
2. Certificate as to correctness of plans of a previously existing building and fees therefor.

Part II.—Buildings generally.

3. Height.
4. Level of floor.
5. Provision of fire escapes in certain buildings.
6. Certain buildings not to be erected within six feet of a service-privy.
7. Prohibition for the use of inflammable materials for roofs or external walls.

Part III.—Masonry buildings generally.

RULE.

8. Foundation.
9. Plinth.
10. Footings for walls.
11. Outer walls.
12. Bonding of walls.
13. Damp-proof course.
14. Walls in building of more than one storey.
15. Floors.
16. Beams and girders.
17. Terrace-roofs.
18. Power to Commissioner to regulate height of boundary wall.
19. Notice to be sent to Commissioner before commencing work.
20. Notice after completion of work.
21. Inspection of masonry buildings by Commissioner.
22. Power to Commissioner to take action after making inspection.

Part IV.—Dwelling-houses and other domestic buildings.

23. Proportion of site for dwelling-house which may be built upon.
24. Dwelling-houses and out-offices, where two-thirds of site are left vacant.
25. Size and ventilation of inhabited rooms.
26. Floor of inhabited room over stable, cattle-shed or cow-house.
27. Ventilation of staircases.
28. Ground floor.
29. Court-yard of dwelling-house.
30. Open space in rear of building, regulating the rear height.
31. Relaxation of rule 30 in certain cases.
32. Open space at sides of building.
33. Court-yards and outward open spaces to be raised and kept open.
34. Paving and draining of court-yards and open spaces.
35. Space to be added to street not to be taken into account under rules 23, 24, 30 and 32.
36. Open space prescribed for one site not to be taken for another site.
37. Position of privies in a domestic building.
38. New building not to be used as dwelling-house without certificate from Commissioner.

Part V.—Buildings of the warehouse class.

39. Height of certain provisions of buildings of the warehouse class.

RULE.

40. Open spaces for buildings of the warehouse class.
41. Floors of certain buildings of the warehouse class.
42. Additional open space for buildings of the warehouse class for loading or unloading carts.

Part VI.—Public buildings.

43. Application of certain provisions of Part IV to public buildings.
44. Use of incombustible or fire-resisting materials.
45. Materials to be deemed incombustible.
46. Materials to be deemed to be fire-resisting but not incombustible.
47. Walls for staircases.
48. Uniformity in treads and risers in staircases.
49. Width of staircases, internal corridors and passage-ways.
50. Division of wide staircase by hand-rail.
51. Separate means of exit from floors on different levels.
52. Doors and barriers to open outwards.
53. External doors of public buildings.

Part VII.—Applications for permission to erect masonry new buildings.

54. Application to Commissioner for permission to erect a masonry new building.
55. Particulars to be furnished in, and with, such applications.
56. Signature of plans, elevations and sections.
57. Necessary employment of licensed building surveyor or other competent person to supervise building.
58. Formulation of requirements and objections.
59. Permission to execute work when to be given or refused by the Commissioner.
60. Remedy if Commissioner delays grant or refusal of permission.
61. Grounds on which permission to erect a masonry new building may be refused.
62. Commissioner to sign approved plans.
63. Retention of plan and submission of fresh application, after refusal to permit execution of work.
64. Work not to be commenced unless and until permission given.
65. Special powers to Commissioner to suspend or grant permission to erect a masonry building or convert huts, etc., into a masonry building.

RULE.

66. Lapse of permission, if not acted upon within one year, or, if granted prior to 1st April, 1900, except in certain circumstances.
67. Power to Commissioner to cancel permission on the ground of material misrepresentation by applicant.

Part VIII:—Huts.

68. Continuous lines.
69. Distance between eaves and alignment.
70. Use of spaces referred to in rule 69.
71. Erection of huts in a *bustee* in court-yard formation.
72. Area of court-yard in huts not in a *bustee*.
73. Space between huts.
74. Distance of huts from metalled and sewered street.
75. Distance between hut and proceeding.
76. Distance between hut and cow-house, etc.
77. Prohibition of projections or dropping of water over street or passage.
78. Height.
79. Plinth.
80. Rooms.
81. Court-yards.

Part IX.—Applications for permission to erect new buildings which are huts.

82. Application to be sent, and particulars furnished, to Commissioner by person intending to erect a hut.
83. Application for permission to erect a hut.
84. Power to Commissioner to require further information or a proper site-plan.
85. Power to Commissioner to employ licensed building surveyor to prepare site-plan, etc., for hut.
86. Permission to execute work when to be given or refused.
87. Remedy if Commissioner delays grant or refusal of permission.
88. Grounds on which permission to erect a hut may be refused.
89. Retention of plan, and submission of fresh application, after refusal of permission to erect a hut.
90. Work not to be commenced unless and until permission given.
91. Lapse of permission, if not acted upon within six months.

Part X.—Application of rules in this Schedule to alterations of, and additions to, Buildings.

RULE.

92. Relaxation of rule 3.
93. Applicability of rules 30 and 32 to alterations and additions above the ground floor.
94. Restriction on application of rules 54 to 67, or 82 to 91.
95. Grant of provisional permission to proceed with work in cases of urgency.

Part XI.—Appeal.

96. Appeal to the Buildings Appeals Committee.

SCHEDULE XVII.

RULES FOR THE INSPECTION AND REGULATION OF LAND AND BUILDINGS.

1. Power to Commissioner to inspect premises for sanitary purposes.
2. Power to Commissioner to require cleansing and lime-washing of building.
3. Power to Commissioner to require owner to secure, enclose, cleanse, or clear land or building which is untenanted, filthy or a nuisance.
4. Power to Commissioner to demolish, repair or secure building or fixture in a ruinous state, etc.
5. Power to Commissioner to sell materials of buildings demolished in pursuance of notice issued under rule 4.
6. Further powers to Commissioner with reference to overcrowded buildings.
7. Power to Commissioner to direct the filling up, etc., of unwholesome wells, pools, etc.
8. Power to Corporation to regulate excavations.

Appeal.

9. Appeal to the General Appeals Committee.

SCHEDULE XVIII.

CERTAIN PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENSE.

SCHEDULE XIX.

REGISTRATION OF BIRTHS.

SCHEDULE XX.

REGISTRATION OF DEATHS.

SCHEDULE XXI.

FORM OF NOTICE TO BE ISSUED ON YELLOW PAPER
AND AFFIXED ON PREMISES WHEN OTHER MEANS
OF SERVICE NOT AVAILABLE.

SCHEDULE XXII.

CONSTRUCTION OF REFERENCES IN BENGAL ACT V OF
1911 TO THE GENERAL COMMITTEE.

THE CALCUTTA MUNICIPAL BILL, 1917.

[NOTE.—“1899” in the right hand margin means the Calcutta Municipal Act, 1899 (Ben. Act III of 1899), as amended to date.]

A Bill to amend and consolidate the law relating to the Municipal Affairs of the Town and Suburbs of Calcutta.

Whereas it is expedient to amend and consolidate, in the manner hereinafter appearing, the law relating to the municipal affairs of the town and suburbs of Calcutta;

And whereas the previous sanction of the Governor General has been obtained under section 79 of the Government of India Act, 1915, to the passing of this Act;

S. & G. Geo.
V, c. 61.

It is hereby enacted as follows:—

PART I.

CHAPTER I.

PRELIMINARY.

Short title, extent
and commencement.

1. (1) This Act may be called the Calcutta Municipal Act, 1917.

[Cf. 1899,
s. 1.]

(2) Except as is hereinafter otherwise expressly provided, it applies only to Calcutta.

(3) It shall come into force on the first day of April, 19

[Cf. 1899, s.
1 (3), as origi-
nally enacted,
and s. 42.]

Provided that, before the said first day of April, 19 , and at such time (after this Act is published in the *Calcutta Gazette* after having received the assent of the Governor General) as the Local Government shall appoint, a general election and appointment of Councillors shall be held and made under the provisions of this Act, but such election or appointment shall not take effect until the said first day of April.

Repeal of enact-
ments and savings.

2. (1) The following enactments are hereby repealed, namely:—

[Cf. 1899, s.
2.]

(a) the Calcutta Municipal Act, 1899,

Ben. Act III
of 1899.

(b) the Calcutta Municipal (Loans) Act, 1914, and

Ben. Act IV
of 1914.

(c) the Calcutta Municipal (Amendment) Act, 1917.

Ben. Act I
of 1917.

(2) Every budget passed, loan taken, assessment, plan of a projected public street, measurement or division made, standard plan of a *bustee* approved, license, permission or sanction granted and debenture or notice issued under the Calcutta Municipal Act, 1899, shall, so far as it is in force at the commencement of, and is not inconsistent with, this Act, be deemed to have been respectively passed, taken, made, approved, granted or issued under this Act, and shall (unless previously altered, modified, cancelled, repaid, suspended, surrendered or withdrawn, as the case may be, under this Act) remain in force for the period

Ben. Act III
of 1899.

(Part I.—Chapter I.—Preliminary.—Clause 3.)

(if any) for which it was so passed, taken, made, approved, granted or issued.

Definitions.

3. For the purposes of this Act, unless there is anything repugnant in the subject or context,—

"Adulterated."

(1) an article shall be deemed to be "adulterated"—

(a) in the case of drugs—

(i) if, when it is sold or exposed for sale under or by a name recognized in the British Pharmacopœia, it differs from the standard of strength, quality or purity laid down in the said Pharmacopœia, unless the standard of strength, quality or purity of such drug be plainly stated on the bottle, box or other receptacle, or,

(ii) if its strength, quality or purity falls below the professed standard under which it is sold or exposed for sale; and

(b) in the case of food—

(i) if any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength, or

(ii) if any substance has been substituted wholly or in part for the article, or

(iii) if any valuable constituent of the article has been wholly or in part abstracted;

"Assessment-book."

(2) "assessment-book" means the municipal assessment-book prescribed by section 160;

"Bazar."

(3) "bazar" means any place of trade (other than a market) where there is a collection of shops or warehouses;

"Budget-grant."

(4) "budget-grant" means a sum entered on the expenditure side of a Budget Estimate which has been finally adopted, and includes also any sum by which a budget-grant is at any time increased by a transfer under section 116, clause (c);

"Building."

(5) "building" includes a house, out-house, stable, privy, urinal, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

"Building-line."

(6) "building-line" means the line up to which the main wall of a building abutting on a street or a projected public street may lawfully extend;

"Building of the warehouse class."

(7) "building of the warehouse class" means a building used or intended to be used as a warehouse, factory, manufactory, brewery or distillery, or for any similar purpose, which is neither a "dwelling-house" nor a "public building" as defined in this section;

"Bustee."

(8) "bustee" means an area containing land occupied by, or for the purposes of, any collection of huts;

[Cf. 1899, s. 8.]

[Cf. Public Health Law, New York, 1909, C. 48, Article 4, s. 41.]

[1899, s. 2 (1).]

[1899, s. 3 (2).]

[Cf. Bom. Act III. of 1888, s. 8 (2).]

[Cf. 1899, s. 3 (3).]

[Cf. 1899, s. 3 (4).]

[Cf. 1899, s. 3 (5).]

(Part I.—Chapter I.—Preliminary.—Clause 3.)

- "Calcutta." (9) "Calcutta" means, subject to the exclusion or inclusion of any local area by notification under section 546, the area described in Schedule I; [Cf. 1899, s. 8 (7).]
- "Carriage." (10) "carriage" means any wheeled vehicle, with springs or other appliances acting as springs, which is used for the conveyance of human beings, and includes a *jinrickshaw*, a bicycle and a tricycle; [1899, s. 8 (8).]
- "Cart." (11) "cart" means any cart, hackney or wheeled vehicle with or without springs, which is not a "carriage" as defined in this section; [1899, s. 8 (9).]
- "Commissioner." (12) "the Commissioner" means the Municipal Commissioner appointed under section 11, sub-section (1), and includes an acting Commissioner appointed under section 35, sub-section (3); [Cf. Bom. Act III of 1888, s. 8 (d).]
- "Connected-privy." (13) "connected-privy" means a privy which is directly connected with a sewer; [Cf. 1899, s. 8 (10).]
- "Connected-urinal." (14) "connected-urinal" means a urinal which is directly connected with a sewer;
- "Cubical extent." (15) the expression "cubical extent", when used with reference to the measurement of a building, means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest or only storey; [1899, s. 8 (11).]
- "Dangerous disease." (16) "dangerous disease" means— [Cf. 1899, s. 8 (12).]
 (a) cholera, plague, small-pox, tuberculosis, cerebro-spinal meningitis, diphtheria and enteric fever; and
 (b) any other epidemic, endemic or infectious disease which the Local Government may, by notification in the *Calcutta Gazette*, declare to be a dangerous disease for the purposes of this Act;
- "Depôt." (17) "depôt" means a place where bulky articles are stored, whether for sale or otherwise, in quantities exceeding 50 maunds; [1899, s. 8 (13).]
- "Deputy Commissioner." (18) "Deputy Commissioner" means a Deputy Municipal Commissioner appointed under section 27, sub-section (1), and includes an acting Deputy Commissioner appointed under section 35, sub-section (3); [Cf. Bom. Act III of 1888, s. 8 (e).]
- "Domestic building." (19) "domestic building" includes a dwelling-house and any other masonry building which is neither a "building of the warehouse class" nor a "public building", as defined in this section, nor a place exclusively used for private worship; [1899, s. 8 (14).]
- "Domestic purposes." (20) a supply of water for "domestic purposes" shall not be deemed to include a supply— [1899, s. 8 (15).]
 (a) for animals or for washing carriages, where such animals or carriages are kept for sale or hire,
 (b) for any trade, manufacture or business,
 (c) for fountains,
 (d) for watering gardens or streets,
 (e) for any ornamental or mechanical purpose,

(Part I.—Chapter I.—Preliminary.—Clause 3.)

- (f) for building purposes, or
(g) for flushing purposes;
- "Drain." (21) "drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying off sullage, sewage, offensive matter, polluted water, rain-water or sub-soil water; [1899, s. 3 (18).]
- "Drug." (22) "drug" includes medicine for internal or external use; [1899, s. 3 (17), and *cf.* 38 & 39 *Vict.*, c. 63, s. 2.]
- "Dwelling-house." (23) "dwelling-house" means a masonry building constructed, used or adapted to be used wholly or principally for human habitation; [1899, s. 3 (18).]
- "Food." (24) "food" includes every article used for food or drink by man, other than drugs or water; [*cf.* 62 & 63 *Vict.*, c. 51, s. 26.]
- "Habitable room." (25) "habitable room" means a room constructed or adapted for human habitation; [*cf.* 1899, s. 3 (19).]
- "Half-year." (26) "half-year" means a financial half-year;
- "House-drain." (27) "house-drain" means any drain of, and used for the drainage of, one or more premises; [*cf.* 1899, s. 3 (20).]
- "House-gully." (28) "house-gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter to municipal servants, or to persons employed in the cleansing thereof or in the removal of such matter therefrom, and includes the air space above such passage or land; [*cf.* 1899, s. 3 (21).]
- "Hut." (29) "hut" means any building no wall or other material portion of which above the plinth level is constructed of masonry; [*cf.* 1899, s. 3 (22).]
- "Inhabited room." (30) "inhabited room" means a room in which some person passes the night, or which is used as a living room, and includes a room with respect to which there is a reasonable presumption (until the contrary is shown) that some person passes the night therein or that it is used as a living room; [1899, s. 3 (23).]
- "Market." (31) "market" includes any place where persons periodically assemble for the sale of meat, fish, fruit, vegetables, live-stock or any other article of food; [*cf.* 1899, s. 3 (24).]
- "Masonry building." (32) "masonry building" means any building other than a hut; [1899, s. 3 (25).]
- "Municipal drain." (33) "municipal drain" means a drain vested in the Corporation; [1899, s. 3 (26).]
- "Municipal market." (34) "municipal market" means a market belonging to or maintained by the Corporation; [1899, s. 3 (27).]
- "Municipal slaughter-house." (35) "municipal slaughter-house" means a slaughter-house belonging to or maintained by the Corporation; [1899, s. 3 (28).]
- "New building." (36) the expression "new building" means and includes— [*cf.* 57 & 58 *Vict.*, c. 213, s. 5 (d), and 1899, s. 3 (30).]
(a) any building erected after the commencement of this Act,
(b) any building which, having collapsed or been demolished or burnt down

(Part I.—Chapter I.—Preliminary.—Clause 3.)

for more than one-half of its cubical extent, is re-erected wholly or partially after the commencement of this Act, whether the dimensions of the re-erected building are the same as those of the original building or not, (c) any hut which is converted into a masonry building after the commencement of this Act, and (d) any building not originally constructed for human habitation which is converted into a place for human habitation after the commencement of this Act.

Explanation.—Clause (b) applies whether more than half the cubical extent has collapsed or been demolished or burnt down at the same time or at different times;

"Nuisance." (37) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property; [1899, s. 2.]

"Occupier." (38) "occupier" means any person for the time being paying, or liable to pay, to the owner the rent or any portion of the rent of the land or building in respect of which the word is used, and includes an owner living in, or otherwise using, his own land or building and also a rent-free tenant; [Cf. 1899, s. 3 (30).]

"Offensive matter." (39) "offensive matter" means dung, dirt, putrid or putrefying substances, and filth of any kind which is not included in "sewage" as defined in this section; [1899, s. 3 (31).]

"Owner." (40) "owner" includes the person for the time being receiving the rent of any land or building or of any part of any land or building, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or as a receiver, or who would so receive such rent if the land, building or part thereof were let to a rent-paying tenant; [Cf. 1899, s. 3 (32).]

"Party-wall." (41) "party-wall" means a wall forming part of a building and used or constructed to be used for the support and separation of adjoining buildings belonging to different owners or constructed or adapted to be occupied by different persons; [1899, s. 3 (33).]

"Platform." (42) the word "platform," when used with reference to a privy, means the surface containing the aperture through which the sewage passes into the receptacle or sewer; [1899, s. 3 (34).]

"Private street." (43) "private street" means any street, road, lane, gully, alley, passage or pathway which is not a "public street" as defined in this section, and includes a passage or pathway securing access to two or more premises, whether belonging to the same or different owners, but does not include a pathway made by the owner of a building on his own land to secure access to such building only; [Cf. 1899, s. 3 (35).]

(Part I.—Chapter I.—Preliminary.—Clause 3.)

"Public building." (44) "public building" means a masonry building constructed, used or adapted to be used— [1899, s. 3 (38).]

(a) as a place of public worship, or as a school, college or other place of instruction (not being a dwelling-house so used), or as a hospital, work-house, public theatre, public hall, public concert-room, public ball-room, public lecture-room, public library or public exhibition room, or as a public place of assembly, or

(b) for any other public purpose, or

(c) as an hotel, lodging-house, home refuge, or shelter, where the building exceeds in cubical extent two hundred and fifty thousand cubic feet or has sleeping accommodation for more than one hundred persons ;

"Public street." (45) "public street" means any street, road, lane, gully, alley, passage or pathway whether a thoroughfare or not, over which the public have a right of way, [Cf. 1899, s. 3 (37).]

and includes—

(a) the roadway over any public bridge or causeway,

(b) the footway attached to any such street, public bridge or causeway, and

(c) the drains attached to any such street, public bridge or causeway,

and, where there is no drain attached to any such street, shall be deemed to include also, unless the contrary is shown, all land up to the outer wall of the premises abutting on the street, or, if a street alignment has been fixed, then up to such alignment ;

"Railway." (46) "railway" includes a tramway, [1899, s. 3 (36).]

"Registered medical practitioner." (47) "registered medical practitioner" means a medical practitioner registered under the Bengal Medical Act, 1914; Ben. Act VI of 1914.

"Reside." (48) (a) a person shall be deemed to "reside" in any dwelling-house or hut which, or some portion of which, he sometimes, although not uninterruptedly, uses as a sleeping apartment, and [Cf. 1899, s. 3 (40).]

(b) a person shall not be deemed to cease to "reside" in any such dwelling-house or hut merely because he is absent from it or has elsewhere another dwelling-house or hut in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning to it;

"Rubbish." (49) "rubbish" means dust, ashes, broken bricks, mortar, broken glass, kitchen or stable refuse, and refuse of any kind which is not "offensive matter" as defined in this section; [1899, s. 3 (41).]

"Service-privy." (50) "service-privy" means a fixed privy which is cleansed by hand, but does not include a movable commode; [Cf. 1899, s. 3 (42).]

(Part I.—Chapter I.—Preliminary.—Clause 4.)

- "Service-urinal." (51) "service-urinal" means a fixed urinal which is cleansed by hand;
- "Sewage." (52) "sewage" means night-soil and other contents of privies, urinals, cesspools or drains; [1899, a. 3 (43).]
- "Sky-sign." (53) "sky-sign" means any word, letter, model, sign, device or other representation, in the nature of an advertisement, announcement or direction, which is supported on or attached to any post, pole, standard, framework or other support wholly or in part upon, over or above any building or structure and which is wholly or in part visible against the sky from any point in any street or public place, and includes—
 (a) every part of such support, and
 (b) any balloon, parachute or similar device employed wholly or in part for the purposes of any advertisement or announcement on, over or above any building, structure or erection of any kind, or on or over any street or public place;
 but shall not be deemed to include—
 (i) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purposes of any advertisement or announcement,
 (ii) any sign on any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, on the cornice or blocking-course of any wall, or to the ridge of a roof, if such contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of such wall, parapet or ridge, or
 (iii) any representation which relates exclusively to the business of a railway company, and which is placed wholly upon or over any railway, railway station, yard, platform or station approach, or premises belonging to a railway company and which is also so placed that it could not fall into any street or public place;
- "Slaughter-house." (54) "slaughter-house" means any place used for the slaughter of cattle, sheep, goats, kids or pigs for the purpose of selling the flesh thereof as meat; [1899, a. 3 (45).]
- "Street." (55) "street" means a public or private street; [1899, a. 3 (46).]
- "Street alignment." (56) "street alignment" means the line dividing the land comprised in and forming part of a street from the adjoining land; and [1899, a. 3 (47).]
- "Year." (57) "year" means a financial year.

Power to Commissioner to decide whether area is a bustee or not.

4. The Commissioner may decide whether any particular area is or is not a "bustee" as defined in section 3, and his decision shall be final. [1899, a. 4.]

PART II.

CONSTITUTION AND GOVERNMENT.

CHAPTER II.

MUNICIPAL AUTHORITIES.

Enumeration of
municipal author-
ities.

5. The municipal authorities charged with carry-
ing out the provisions of this Act are—

- (a) a Corporation,
- (b) a General Appeals Committee of the Corporation,
- (c) a Buildings Appeals Committee, and
- (d) a Municipal Commissioner.

[Cf. 1899,
a. 5.]

[Cf. Bom.
Act III of
1888, s. 4 (c).]

Constitution of the Corporation.

Constitution and
incorporation of the
Corporation.

6. The Corporation shall consist of seventy-five Councillors to be elected or appointed as hereinafter provided, and shall, by the name of "the Corporation of Calcutta", be a body corporate and have perpetual succession and a common seal, and may by such name sue and be sued.

[1899, s. 6
Cf. Bom. Act
III of 1888, s.
5 (1).]

Property vested in
the Corporation.

7. All property, movable and immovable, and all interests of whatsoever nature or kind therein, vested in the Corporation of Calcutta under the Calcutta Municipal Act, 1899, at the commencement of this Act, with all rights of whatsoever description used, enjoyed or possessed by the said Corporation, shall be deemed to be vested in the Corporation constituted under this Act.

[Cf. 1899, s.
7.]

Bom. Act III
of 1899.

Councillors how to
be elected or appoint-
ed.

8. (1) Of the seventy-five Councillors referred to in section 6, thirty-seven (hereinafter called Ward Councillors) shall be elected at ward elections and nine (hereinafter called Mahomedan Councillors) shall be elected at district elections, as provided in Chapter IV.

[Cf. 1899,
s. 8.]

(2) The remaining twenty-nine Councillors shall be appointed as follows, namely:—

- (a) six by the Bengal Chamber of Commerce,
- (b) five by the Calcutta Trades Association,
- (c) two by the Commissioners for the Port of Calcutta,
- (d) one by the University of Calcutta,
- (e) two by the Marwari Association,
- (f) one by the Bengal National Chamber of Commerce, and
- (g) twelve by the Local Government.

[Cf. Bom.
Act V of 1911,
s. 4 (c).]

(3) The Local Government may make rules to regulate the method of appointment of Councillors under clauses (a), (b), (c), (d), (e) and (f) of sub-section (2).

Constitution of the General Appeals Committee.

Constitution of
the General Appeals
Committee.

9. (1) The General Appeals Committee shall consist of seven Councillors to be appointed by the Corporation at their first meeting in the month of April in each year, and the term of office of the Committee so appointed shall be for one year only.

(Part II.—Chapter II.—Municipal Authorities.—
Clauses 10-13.)

(2) Of the seven Councillors appointed under sub-section (1), not more than four shall be Councillors elected under the provisions of Chapter IV.

(3) In case of the death, resignation, removal or disqualification of any Councillor who is a member of the said Appeals Committee, the Corporation shall forthwith appoint a Councillor to fill the vacancy, and such Councillor may continue to serve as member of the Committee until the expiration of its term of office:

Provided that no appointment shall be made under this sub-section so as to contravene the provisions of sub-section (2).

(4) The Local Government may make rules to regulate the method of appointment of members of the General Appeals Committee under this section.

Constitution of the Buildings Appeals Committee.

Constitution of the Buildings Appeals Committee.

10. (1) The Buildings Appeals Committee shall consist of three members (who need not be Councillors) to be appointed in the month of April in each year as follows:—

(a) one by the Corporation at their first meeting in the said month, and

(b) two by the Local Government.

(2) The term of office of the Committee so appointed shall be for one year only.

(3) In case of any vacancy among the members of the said Committee, such vacancy shall forthwith be filled by the appointment of a member by the Corporation or by the Local Government, as the case may be, and such member may continue to serve on the Committee until the expiration of its term of office.

Appointment of the Commissioner.

Appointment and removal of Commissioner.

11. (1) The Local Government shall from time to time appoint a proper person to be Municipal Commissioner.

[Cf. 1899, s. 11.]

(2) The Commissioner may be removed from his office by the Local Government in their discretion, and shall be removed from his office if his removal be recommended by a resolution which has been passed at a special meeting of the Corporation and in favour of which not less than two-thirds of the Councillors present at such meeting have voted.

Commissioner's salary and house-rent allowance

12. The Commissioner shall receive such consolidated salary not exceeding a maximum of rupees three thousand two hundred and fifty (including house-rent allowance) as may from time to time be fixed by the Local Government.

[Cf. 1899, s. 12.]

Powers, Duties and Functions of the several Municipal Authorities.

Respective functions of the municipal authorities

13. (1) The respective functions of the several municipal authorities shall be such as are specifically prescribed by or under this Act.

[Cf. 1899, s. 13.]

(2) If any doubt arises as to the municipal authority to which any particular function pertains, the Commissioner shall refer the matter to the Local Government, whose decision shall be final.

(Part II.—Chapter II.—Municipal Authorities.—
Clauses 14, 15.)

(3) Except as is in this Act otherwise expressly provided, the municipal government of Calcutta vests in the Corporation.

Special powers to
the Corporation.

14. In addition to the other powers and duties conferred or imposed on them by or under this Act or any other Act for the time being in force, the Corporation may, in their discretion, provide from time to time, either wholly or partly, for all or any of the following matters, namely:—

- (i) the planting and preservation of trees in streets and public places;
- (ii) the construction, alteration, maintenance and adornment of public halls, offices and other buildings under the control of the Corporation or required for municipal purposes;
- (iii) the laying out and maintenance of squares and gardens;
- (iv) the playing of music in squares, gardens or other public places;
- (v) the survey of buildings and lands, and the preparation and maintenance from time to time of survey maps and plans and of the records relating thereto;
- (vi) the construction and maintenance of hospitals and alms-houses either in Calcutta, or (if such institutions are for the benefit of persons residing in Calcutta) without Calcutta;
- (vii) the establishment of municipal dairy farms and milk depôts, the leasing, for the purpose of establishing private dairies whether in or without Calcutta of lands acquired by the Corporation under this Act, and the transport of milk to Calcutta from any municipal or private dairy farm or milk depôt;
- (viii) the purchase and maintenance of stud bulls, and such other measures as may appear to the Corporation to be desirable with a view to improving the local breed of cattle;
- (ix) the establishment of municipal, and the subsidisation by such means as may appear desirable to the Corporation, of privately-owned grazing-grounds, whether in or without Calcutta;
- (x) vaccination;
- (xi) the promotion of primary and technical education;
- (xii) free libraries;
- (xiii) with the previous sanction of the Local Government, the payment of contributions to the cost incurred on the occasion of any public ceremony or entertainment held in Calcutta;
- (xiv) the payment of contributions to the Commissioners of any neighbouring municipality for expenditure on sanitary purposes;
- (xv) the presentation of addresses to persons of distinction; and
- (xvi) any other matter which is likely to promote the public health, safety, or convenience or the carrying out of this Act.

[cf. 1899, s. 14.]
[cf. Bom. Act III of 1888, s. 68 (j).]

Functions of the
General Appeals Com-
mittee and filing of
appeals.

15. (1) The General Appeals Committee shall hear and decide appeals in all cases in which an appeal to that Committee is expressly provided for in this Act or in any rule or by-law made thereunder.

[Cf. Bom. Act III of 1888, s. 68 (j).]

(Part II.—Chapter II.—Municipal Authorities.—
Clauses 16-19.)

(2) Every such appeal shall be preferred by petition in writing and the orders passed by the said Committee thereupon shall be final.

(3) Every such petition of appeal (in which the grounds of appeal shall be set out) shall be delivered to the Secretary to the Corporation within the period prescribed therefor in this Act or in any rule or by-law made thereunder.

Functions of the
Buildings Appeals
Committee.

16. (1) The Buildings Appeals Committee shall hear and decide appeals in all cases in which an appeal to that Committee is expressly provided for in Chapter XXII and Schedule XVI or in any rule or by-law made under this Act relating to the erection of buildings.

(2) The provisions of section 15, sub-section (2) and sub-section (3), shall apply to all appeals referred to in sub-section (1) of this section.

Functions of the
Commissioner.

17. Subject, whenever it is in this Act expressly so directed, to the control or previous sanction of the Corporation and subject also to all other restrictions, limitations and conditions imposed by or under this Act, the entire executive power for the purpose of carrying out the provisions of this Act shall vest in the Commissioner, who shall also—

[Cf. 1899, s. 15]

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by or under this Act;

(b) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, and, subject to the provisions of Chapter V, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances; and,

(c) on the occurrence or the threatened occurrence of any sudden or unforeseen emergency, take such immediate action as such emergency shall appear to him to justify or require, reporting forthwith to the Corporation, when he has done so, the action he has taken and his reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action, when such cost is not covered by a current budget-grant.

Power to Corporation to authorize the Commissioner to take action in anticipation of their sanction.

18. (1) In any case in which it is provided by or under this Act that the Commissioner may take action subject to the sanction of the Corporation, the Corporation may, by resolution in writing, authorize him to take such action in anticipation of their sanction, subject to such conditions (if any) as may be specified in such resolution.

[Cf. 1899, s. 16.]

(2) Whenever the Commissioner, in pursuance of any such resolution, takes any action in anticipation of the sanction of the Corporation, he shall forthwith inform them of the fact.

Annual administration report and statement of accounts by Commissioner.

19. (1) The Commissioner shall, as soon as may be after each first day of April, cause to be prepared a detailed report of the municipal administration of Calcutta during the previous year, together with a statement showing the amounts of the receipts and disbursements, respectively, credited and debited to the Municipal Fund during the said year, and the balance at the credit of the said Fund at the close of the said year.

[Cf. 1899, s. 17.]

*(Part II.—Chapter II.—Municipal Authorities.—
Clause 20.)*

(2) The Commissioner shall thereupon forward a copy of the said report and statement to each Councillor and to the Local Government.

(3) The Corporation shall, as soon as may be thereafter, consider the said report and statement, and a copy of the proceedings of any meeting at which the same may be discussed shall be forwarded by the Commissioner to the Local Government.

(4) Copies of all the aforesaid documents shall be obtainable by any person requiring the same, on payment of such reasonable fee for each copy as the Corporation may determine.

Delegation of certain of Commissioner's functions to municipal officers.

20. (1) The Commissioner may, by general or special order in writing, delegate to any municipal officer any of the Commissioner's powers, duties or functions under this Act or under any rule or by-law made thereunder, except those conferred or imposed upon or vested in him by—

(i) any rule of any Schedule to, or any rule or by-law made under, this Act in which it is otherwise expressly provided, or

(ii) the following sections, or sub-sections of this Act, namely:—

section 36,	section 419,
" 51, sub-section (3),	" 433, sub-section (1),
" 79,	" 435, sub-section (1),
" 92, sub-section (2),	" 437, sub-section (7),
" 102,	" 443, sub-section (2),
" 107,	" 445,
" 111,	" 451, sub-section (1),
" 112,	" 452,
" 113, sub-section (2),	" 454, sub-section (2),
" 114,	" 466, sub-section (1),
" 122,	" 467, sub-section (1),
" 240,	" 468,
" 272, sub-section (2),	" 501, sub-section (3),
" 276, sub-section (2),	" 501, sub-section (5),
" 385,	" 523:
" 387,	
" 392,	
" 401,	
" 406,	

Provided that:—

(a) the Commissioner shall not delegate his power under section 66, sub-section (3), or sub-section (4), to make appointments to offices carrying a salary of more than one hundred rupees *per mensem*;

(b) the Commissioner shall not delegate to any municipal officer his power, under section 71, to fine, reduce, suspend, remove or dismiss any employé, or his power, under section 75, to grant leave of absence and leave and other allowances to any employé, unless such employé was appointed by such officer by virtue of a delegation of the Commissioner's powers of appointment conferred by section 66;

(Part II.—Chapter II.—Municipal Authorities.—
Clauses 21, 22.)

(c) the Commissioner shall not delegate his power, under section 88, to make on behalf of the Corporation any contract involving an expenditure exceeding one thousand rupees;

(d) when, by any order made under this section, any power to enter premises between sunset and sunrise is delegated to any municipal officer, the name of such officer, as well as his official designation, shall be specified in the order;

(e) when the Commissioner, by any order made under this section, delegates to any municipal officer any power or duty which is exercisable or is required to be performed with the sanction of the Corporation, the Commissioner shall send a copy of such order to the Corporation.

(2) The exercise or discharge by any municipal officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations (if any) as may be prescribed in the said order, and also to control and revision by the Commissioner.

Exercise of functions to be subject to sanction of the necessary expenditure.

21. The exercise or performance by any municipal authority of any power conferred or duty imposed by or under this Act, which will involve expenditure, shall, except in any case specified in the proviso to section 109, be subject to the following conditions, namely:—

[Cf. 1899, s. 19.]

(a) such expenditure, so far as it is to be incurred in the year in which such power is exercised or duty performed, shall be provided for under a current budget-grant, and,

(b) if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said year, liability for such expenditure shall not be incurred without the sanction of the Corporation:

Provided that clause (b) shall not apply where the proposed expenditure is covered by a current budget-grant and is such that it can be discontinued in the next year's budget.

Control by Local Government over Municipal Authorities.

Sanction of Local Government required to projects costing 2½ lakhs or over.

22. When any project is framed by any municipal authority for the execution of any work or series of works the entire estimated cost of which amounts to two and a half lakhs of rupees or more, then, notwithstanding that the cost may be included in a Budget Estimate as finally adopted under Chapter VIII.—

[Cf. 1899, s. 20.]

(a) the work shall not be commenced until the project has been sanctioned by the Local Government, and,

(b) if any material change be made in the project after it has been so sanctioned, such change shall not be carried into effect unless and until it is sanctioned by the Local Government.

(Part II.—Chapter II.—Municipal Authorities.—
Clauses 23-25.)

Power to Local
Government to
require returns, etc.

23. The Local Government may require the Commissioner to furnish them with—

[Cf. 1899, s. 21.]

- (a) any return, statement, estimate, statistics or other information regarding any matter under the control of any municipal authority;
- (b) a report on any such matter; or
- (c) a copy of any document in his charge.

Power to Local
Government to
depute officers to
make inspection or
examination and
report.

24. (1) The Local Government may depute any officer or officers to make an inspection or examination of any department, office, service, work or thing under the control of any municipal authority, and to report to them the result of such inspection or examination.

[Cf. 1899, s. 22.]

(2) Any officer so deputed may, for the purpose of making such inspection or examination, inspect the condition of any part of Calcutta, and may require the Commissioner—

- (a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner, or which is recorded or filed in his office or in the office of any municipal officer or servant; or
- (b) to furnish any return, plan, estimate, statement, account or statistics; or
- (c) to furnish a report by himself; or
- (d) to obtain a report from any head of a department subordinate to him and furnish the same with his own remarks thereon.

(3) Every requisition made under sub-section (2) shall be complied with by the Commissioner without delay.

Power to Local
Government to
require municipal
authorities to take
action.

25. (1) If, on receipt of any document furnished under section 23 or any report submitted under section 24, the Local Government are of opinion that—

[Cf. 1899, s. 23.]

- (a) any of the duties imposed on any municipal authority by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or
- (b) adequate financial provision has not been made for the performance of any such duty,

the Local Government may, by written order, direct the municipal authorities, or any of them, within a period to be specified in the order,—

- (i) to make arrangements to their satisfaction for the proper performance of the duties referred to in clause (a), or to make financial provision to their satisfaction for the performance of any such duty, as the case may be, or
- (ii) to show cause to the satisfaction of the Local Government against the making of such arrangements or provision, as the case may be.

(Part II.—Chapter II.—Municipal Authorities.—

Clause 26.)

(2) Any municipal authority affected by an order made under sub-section (1) may, within thirty days from the receipt of the order, transmit through the Local Government a petition of appeal to the Government of India, praying that the order be withdrawn.

(3) No action directed by any such order shall be suspended in consequence of the transmission of any such petition, unless the Government of India, upon receipt of the petition, so direct.

Procedure by Local Government where municipal authority fails to take action.

26. (1) If, within the period fixed by any order issued under section 25, any action directed under clause (i) of that section has not been duly taken, or cause has not been shown as aforesaid, the Local Government may, by order,—

[C. 1800. h. 24]

(a) appoint some person to take the action so directed,

(b) fix the remuneration to be paid to him, and

(c) direct that such remuneration and the cost of taking such action shall be defrayed out of the Municipal Fund and, if necessary, that the consolidated rate or other taxes authorized by Part IV shall be levied or increased, but not so as to exceed any maximum prescribed by that Part.

(2) The person appointed under sub-section (1) may, for the purpose of taking the action directed as aforesaid, exercise any of the powers conferred on any municipal authority by or under this Act, which are specified in that behalf in the order issued under sub-section (1).

(3) With the previous sanction of the Government of India, the Local Government may, in addition to or instead of directing under sub-section (1) the levy or increase of the consolidated rate or other taxes, direct, by notification in the *Calcutta Gazette*, that any sum of money which may, in their opinion, be required for giving effect to any order issued under that sub-section be borrowed by way of debenture on the security of the said rate or all or any of the said taxes, or of both the said rate and all or any of the said taxes, at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provisions of Chapter IX shall apply to any loan raised in pursuance of sub-section (3).

(Part II.)

CHAPTER III.

PROVISIONS AS TO COMMISSIONER AND DEPUTY COMMISSIONER.

Appointment and salary of Deputy Commissioner.

27. (1) The Local Government may, if they deem it expedient so to do, appoint a proper person to be Deputy Municipal Commissioner.

[Cf. 1899, s. 26, and Bom. Act III of 1888, ss. 55 and 58.]

(2) The Deputy Commissioner shall receive such salary as may from time to time be fixed by the Local Government, not being more than fifteen hundred nor less than one thousand rupees *per mensem*.

Prohibition of having share or interest in contract or employment with Corporation.

28. (1) No person shall be eligible for the office of Commissioner or Deputy Commissioner if he has, directly or indirectly, by himself or his partner or employer or employé, any share or pecuniary interest in any contract or employment with, by, or on behalf of, the Corporation.

[Cf. 1899, s. 27.]

(2) If the Commissioner or Deputy Commissioner acquires, directly or indirectly as aforesaid, any share or interest as aforesaid, otherwise than as Commissioner or Deputy Commissioner, as the case may be, he shall cease to be Commissioner or Deputy Commissioner, as the case may be, and his office shall become vacant.

(3) Nothing in the foregoing sub-sections shall apply to any such share or interest as, under clause (ii) or clause (iv) of section 59, it is permissible for a Councillor to have without being thereby disqualified for being a Councillor.

Indebtedness to disqualify for office.

29. (1) No person shall be eligible for the office of Commissioner or Deputy Commissioner if he is seriously indebted to any person.

[Cf. 1899, s. 28.]

(2) If any person holding any of the said offices becomes so indebted, the Local Government shall declare his office to be vacant.

Contribution in respect of pension or leave-allowances of Government servant appointed to be Commissioner or Deputy Commissioner, and pension for person other than a Government servant so appointed.

30. (1) When a servant of the Government is appointed to be Commissioner or Deputy Commissioner, the Corporation shall pay, in addition to his salary, any contribution which may for the time being be levied by the Government in respect of his pension or leave-allowances.

[Cf. 1899, ss. 29 and 30 and Ben. Act III of 1890, s. 18A.]

(2) When the Commissioner or Deputy Commissioner is not a servant of the Government, the Corporation may, with the sanction of the Local Government, grant him a pension or gratuity on retirement, or grant a compassionate allowance to his family on his death:

Provided as follows:—

(a) the amount of any pension, gratuity or compassionate allowance shall in no case, without the special sanction of the Government of India, exceed what would be admissible in the case of Government servants of similar standing and status, and

(b) the conditions under which the pension, gratuity or compassionate allowance is granted shall not, without similar sanction, be more favourable than those for the time being prescribed for such Government servants.

(Part II.—Chapter III.—Provisions as to Commissioner and Deputy Commissioner.—Clauses 31-35.)

Prohibition of engaging in other business with certain exceptions.

31. (1) The Commissioner and the Deputy Commissioner shall devote their whole time to the duties of their respective offices, and shall not hold any other office or engage in any other profession, trade or business whatsoever: [Cf. 1899, s. 31.]

Provided that—

(a) any civil or military officer in the service of the Government may hold the office of Commissioner or Deputy Commissioner so long as he fills no office other than one of those specified in clause (b);

(b) the Commissioner or the Deputy Commissioner may—

(i) hold the office of a Commissioner under the Calcutta Port Act, 1890; Ben. Act III of 1890.

(ii) be an additional Member of the Council of the Governor of the Presidency of Fort William in Bengal for making Laws and Regulations; or,

(iii) with the sanction of the Corporation, hold the office of Chairman to any public institution or any other honorary office.

(2) The provisions of sub-section (1) shall not apply in the case of any office which the Commissioner or Deputy Commissioner is required or permitted to hold, *ex officio*, under the provisions of any other enactment for the time being in force.

Place of residence.

32. The Commissioner and the Deputy Commissioner shall reside in Calcutta. [Cf. 1899, s. 32.]

Daily attendance at Municipal Office.

33. The Commissioner and the Deputy Commissioner shall, except upon such holidays as are allowed by the Government, and unless prevented by sickness or other reasonable cause, attend daily at the Municipal Office for the transaction of business under this Act. [Cf. 1899, s. 33.]

Functions and position of Deputy Commissioner.

34. (1) The Deputy Commissioner shall be subordinate to the Commissioner, and, subject to his general direction and control, shall have the same authority as the Commissioner, and shall exercise such of the powers and perform such of the duties of the Commissioner as the Commissioner may from time to time delegate to him. [Cf. 1899, s. 34.]

(2) The Commissioner shall inform the Corporation of the powers and duties which he from time to time delegates to the Deputy Commissioner.

The Deputy Commissioner shall be subject to the same liabilities, restrictions and conditions as the Commissioner.

(4) All acts and things performed and done by the Deputy Commissioner during his tenure of his office and in virtue thereof shall for all purposes be deemed to have been performed and done by the Commissioner.

Leave of absence to Commissioner or Deputy Commissioner.

35. (1) With the sanction of the Local Government, the Corporation may grant to the Commissioner or Deputy Commissioner such leave of absence as they think fit. [Cf. 1899, s. 35.]

(Part II.—Chapter III.—Provisions as to Commissioner and Deputy Commissioner.—Clause 36.)

(2) The allowance to be paid to the Commissioner or Deputy Commissioner while absent on leave shall be of such amount, not exceeding the amount of his salary, as may be fixed by the Local Government:

Provided that, if the Commissioner or Deputy Commissioner is a Government officer, the amount of such allowance shall be—

(a) regulated by the rules for the time being in force relating to the leave-allowances of officers of his class, and

(b) paid by the Local Government or by the Corporation, or partly by the Local Government and partly by the Corporation, as the case may be, in accordance with the provisions of such rules.

(3) Whenever leave of absence is granted to the Commissioner or Deputy Commissioner, the Local Government may appoint a person to act as Commissioner or Deputy Commissioner, as the case may be.

(4) The salary of any person acting as Commissioner or Deputy Commissioner under this section shall be fixed by the Local Government, subject to the provisions of section 12 or section 27, as the case may be.

(5) Any person appointed to act as Commissioner or Deputy Commissioner shall exercise the powers and perform the duties conferred or imposed by or under this Act or any other enactment for the time being in force on the Commissioner or Deputy Commissioner, as the case may be, and shall be subject to the same liabilities, restrictions and conditions as the Commissioner or Deputy Commissioner, as the case may be.

Power to Commissioner to attend meetings.

36. The Commissioner shall have the same right of being present at any meeting of the Corporation, or of any Appeals Committee, or of any Standing or Special Committee, and of taking part in the discussions thereat as if he were a Councillor or a member of such Committee,

[Cf. Bom. Act III of 1888, s. 36 (c), and 1899, s. 80.]

and, with the consent of a majority of the Councillors or members present at such meeting, ascertained by a show of hands without discussion, may at any time make a statement or explanation of facts, but he shall not vote upon, or make, any proposition at such meeting.

(Part II.)

CHAPTER IV.

ELECTION AND APPOINTMENT OF COUNCILLORS.

Preparation and Publication of Election-rolls.

Ward and Mahomedan election-rolls.

37. An election roll (hereinafter in this Part and in Schedules V and VI called the ward election roll) for the election of Ward Councillors and an election roll (hereinafter in this Part and in the said Schedules called the Mahomedan election roll) for the election of Mahomedan Councillors shall be prepared and published in the manner prescribed in the rules contained in Schedule V. [Cf. 1899, s. 86.]

Election of Ward Councillors.

Qualifications of voters at ward elections.

38. (1) Subject to the provisions of any other law on the subject for the time being in force and subject to the provisions of sub-section (2), every person who is not a Mahomedan, and who is of the male sex, and has attained the age of twenty-one years, and resides or pays the consolidated rate or other taxes under this Act in Calcutta, shall be entitled to be enrolled in the ward election roll as a ward-voter, if such person— [Cf. 1899, s. 87; see Ben. Act I of 1899, s. 8 (32).]

(i) has his name entered in the assessment-book, as showing that he is—

(a) the owner and occupier of some land or building (other than a hut in a *bustee*) in Calcutta, separately numbered and valued for assessment purposes at not less than one hundred and fifty rupees *per annum*; or

(b) the owner of some land or building (other than a hut in a *bustee*) in Calcutta, separately numbered and valued for assessment purposes at not less than three hundred rupees *per annum*; or

(c) the occupier of some land or building (other than a hut in a *bustee*) in Calcutta, separately numbered and valued for assessment purposes at not less than three hundred rupees *per annum*; or

(d) the owner of a hut in a *bustee* in Calcutta valued for assessment purposes at not less than two hundred rupees *per annum*; or

(ii) has taken out a license under Class I, Class II, Class III or Class IV of Schedule II for the year in which the election is held; or

(iii) has paid on his sole account and in his own name not less than twenty-four rupees, either in respect of the consolidated rate levied under Chapter XI, or in respect of taxes levied under Chapter XII or Chapter XIII, or in respect of both such rate and taxes, for the year in which the election is held:

Provided that, if such payment or any portion thereof has been made in respect of the consolidated rate, the name of such person shall be entered in the assessment-book in respect of such payment or portion thereof.

(Part II.—Chapter IV.—Election and Appointment of Councillors.—Clauses 39-42.)

(2) No person shall be enrolled as a ward-voter in the election roll of more than one ward, nor shall more than one entry be made in the election roll of a ward in respect of any person notwithstanding the number of qualifications he may possess.

(3) No company, body corporate, firm, joint-family or other association of individuals shall be entitled to be enrolled in its own name in the ward election roll, but any such association shall, subject to the provisions of Schedule V, be entitled to be represented on the ward election roll as a ward-voter, if it pays the consolidated rate or other taxes leviable under this Act in Calcutta and has complied with the provisions prescribed by clause (i), (ii) or (iii) of sub-section (1).

(4) No person shall be entitled to vote at a ward election for any ward, in the election roll of which his name has not been entered as a ward-voter.

(5) The number of votes which a ward-voter shall be entitled to give at a ward election shall be equal to the number of Councillors to be elected for that ward, but no voter shall give more than one vote to a candidate.

Enrolment of ward-voters.

39. A ward-voter, who possesses the necessary qualifications mentioned in sub-section (1) of section 38 in respect of more than one ward, may elect, in the manner provided by Schedule V, from among those wards, the ward in which he shall be enrolled:

Provided that if such ward-voter possesses the qualifications mentioned in sub-clauses (i) (a), (i) (d), (ii), or (iii) of section 38 he may elect to be enrolled either in the ward in which he resides, or in a ward in which he pays the rates or taxes mentioned in those sub-clauses:

Provided also that a ward-voter qualified under sub-clause (i) (b) or sub-clause (i) (c) of section 38 shall not be enrolled in the election roll of a ward other than that in which the land or building in respect of which he possesses such qualification is situated.

Commissioner to determine ward in certain cases.

40. If a ward-voter entitled to make election under section 39 fails to make such election before the date specified in this behalf in Schedule V, the Commissioner shall determine the ward in which such ward-voter shall be enrolled and his name shall be enrolled accordingly.

Name of ward-voter not to be transferred from one election roll to another.

41. The name of a ward-voter shall not be transferred from the election roll of one ward to another, except at the time of revision of the election roll in accordance with the provisions of Schedule V.

Qualification for election as a Ward Councillor.

42. No person shall be qualified to be elected to be a Ward Councillor unless he is enrolled in the ward election roll as a ward-voter:

[Cf. 1899, s. 88.]

Provided that, if any company, body corporate, firm, joint-family or other association of individuals is represented on the said roll as a ward-voter, the person with regard to whom an entry has been made

(Part II.—Chapter IV.—Election and Appointment of Councillors.—Clauses 43-49.)

in that roll, under Schedule V, to the effect that he is duly authorized to represent, and vote on behalf of, such association shall, subject to the provisions of this Chapter, be deemed to be qualified to be elected a Ward Councillor.

Wards for purposes of election.

43. For the purposes of the election of Ward Councillors, Calcutta shall be divided into twenty-five wards, the respective numbers, names and boundaries of which are specified in Schedule III. [Cf. 1899, s. 43.]

Electors to elect number of Councillors specified for ward.

44. The electors of each of the twenty-five wards may elect the number of Councillors specified with regard to such ward in column 7 of Schedule III.

Election of Mahomedan Councillors.

Division of Calcutta into districts for purposes of Mahomedan electorate.

45. For the purposes of the election of Mahomedan Councillors, Calcutta shall be divided into four districts, the respective numbers, composition and boundaries of which are specified in Schedule IV.

Electors to elect number of Councillors specified for district.

46. The electors of each of the four districts (hereinafter in this Part and in Schedule V called district-voters) may elect the number of Mahomedan Councillors specified with regard to such districts in column 7 of Schedule IV.

Power to modify boundaries of districts and of number of candidates representing such districts.

47. The Local Government may, on the recommendation of the Corporation, at any time, by notification in the *Calcutta Gazette*, modify the boundaries of, or the number of Councillors to be elected to represent, any district specified in Schedule IV, but not so as to vary the total number of Mahomedan Councillors prescribed by section 8, sub-section (1).

Qualifications and enrolment of Mahomedan electors.

48. (1) Subject to the provisions of any other law on the subject for the time being in force, every Mahomedan who is of the male sex and has attained the age of twenty-one years and resides or pays the consolidated rate or other taxes under this Act in Calcutta, and who possesses one or more of the qualifications mentioned in clause (i), (ii) or (iii) of section 38, shall be entitled to be enrolled in the district election roll and shall be a district-voter:

Provided that no district-voter shall be enrolled in the election roll of more than one district.

(2) No district-voter shall be entitled to vote at a district election for any district in the election roll of which his name has not been entered.

(3) The number of votes which a district-voter shall be entitled to give at a district election shall be equal to the number of Councillors to be elected for that district, but no voter may give more than one vote to a candidate.

(4) The provisions of section 42 shall, with all necessary modifications, apply to the election of Mahomedan Councillors.

In what district voter shall be enrolled.

49. The district, in the election roll of which the name of a district-voter shall be entered, shall be determined in manner similar to that provided by sections 39, 40 and 41 for the preparation of the election roll of ward-voters.

(Part II.—Chapter IV.—Election and Appointment
of Councillors.—Clauses 50-55.)

General provisions as to elections.

Government or
Corporation not to
vote.

50. At any election under this Chapter, no vote shall be given either by the Government or by the Corporation.

[Cf. 1899, s. 52.]

Date of elections.

51. (1) General elections of Ward Councillors and of Mahomedan Councillors shall be fixed by the Local Government to take place triennially on such days in the month of March as they may think fit.

[Cf. 1899, s. 53.]

(2) Such elections shall be so fixed that all elections of Ward Councillors shall take place simultaneously in all the wards, and all elections of Mahomedan Councillors shall take place simultaneously in all the districts.

(3) Elections to fill casual vacancies shall be fixed by the Commissioner to take place as soon as conveniently may be after the occurrence of the vacancies.

Conduct of elections.

52. Elections shall be conducted in the manner prescribed in the rules contained in Schedule VI.

[1899, s. 54.]

Publication of list
of duly returned
candidates.

53. A list of duly returned candidates for the several wards and districts shall be published by the Commissioner in the *Calcutta Gazette*.

[Cf. 1899, s. 55.]

Hearing of election
petitions by Judge of
High Court.

54. (1) If there is any dispute as to whether any person whose name is entered in the list published under section 53 is qualified to be elected a Councillor, or if the validity of any election is questioned, whether by reason of the improper rejection by the Commissioner of a nomination or of the improper reception or refusal of a vote, or for any other cause, any person enrolled in the ward election roll or the Mahomedan election roll, as the case may be, may, at any time within eight days after the publication of the said list, apply to a Judge of the High Court exercising original jurisdiction, and the said Judge, after making such inquiry and taking such evidence as he deems necessary, shall determine whether or not such Councillor is qualified for election, or whether such Councillor has been duly elected, as the case may be, and shall pass such order as he may deem necessary, and his decision shall be final:

[Cf. 1899, s. 56.]

Provided that no election shall be called in question on the ground that—

- (a) the name of any person qualified to vote has been omitted from the election roll, or
- (b) the name of any person not qualified to vote has been inserted in the election roll, or
- (c) any direction given in Schedule V or Schedule VI has not been obeyed.

(2) If the Judge sets aside an election or declares an election to be null and void, a fresh election shall be held.

(3) Every election not called in question under this section shall be deemed to have been to all intents a good and valid election.

Bribery.

55. (1) No person, whether qualified to vote or claiming to be qualified to vote at an election under this Act, shall accept or obtain, or agree to accept, or attempt to obtain, for himself or for any other person,

[Cf. 1899, s. 57.]

(Part II.—Chapter IV.—Election and Appointment of Councillors.—Clauses 56-58.)

any gratification whatever as a motive or reward for giving or forbearing to give his vote at any such election.

(2) No person shall, by any gift or reward, or by any promise or agreement or security for any gift or reward, corrupt or procure, or offer to corrupt or procure, any person to give or forbear to give his vote at any such election.

(3) If any person is convicted of an offence against sub-section (1) or sub-section (2), he shall, for seven years from the date of his conviction, be disqualified from voting at any election under this Act and from being elected or appointed a Councillor.

Appointment of Councillors.

Appointments by Bengal Chamber of Commerce and other bodies.

56. (1) Appointments of Councillors by the Bengal Chamber of Commerce, the Calcutta Trades Association, the Commissioners for the Port of Calcutta, the Calcutta University, the Marwari Association and the Bengal National Chamber of Commerce, respectively, shall be made by the members for the time being of such Chambers or Associations or the said Port Commissioners or the Fellows of the Calcutta University, as the case may be, in such manner as may be prescribed by rules made under section 8, sub-section (3). [1899 a. 56.]

(2) The Secretary to the said Chambers, Associations or Port Commissioners, and the Registrar of the Calcutta University, respectively, shall make a return in duplicate to the Commissioner setting forth the name in full of every person so appointed, and the said return shall be published by the Commissioner in the *Calcutta Gazette*.

Appointments by Local Government to make up the prescribed number.

57. If there is not a sufficient number of valid nominations for an election in any ward or district, or if the electors of any ward or district do not elect the prescribed number of Councillors, the Local Government shall appoint as many Councillors as may be necessary to make up the prescribed number. [Cf. 1899, a. 59 (1).]

Appointments of Councillors when to be made.

58. (1) All appointments of Councillors whether made— [Cf. 1899, a. 59 (2).]

(a) by the Local Government under section 8, sub-section (2) or under section 57, or

(b) by any association or other body under section 56, sub-section (1),

shall be made as soon as may be after the publication of the list of candidates returned at the general election, and such appointments shall take effect from the date from which the general election takes effect.

(2) Every appointment made under clause (a) shall be made by notification in the *Calcutta Gazette*.

(Part II.—Chapter IV.—Election and Appointment
of Councillors.—Clauses 59, 60.)

*General provisions as to Disqualifications for
being a Councillor.*

Disqualifications
for being a Councillor.

59. (1) No person shall be elected or appointed as, or continue to be, a Councillor if such person—

[Cf. 1899, s. 39.]

- (a) is of the female sex or is under twenty-one years of age; or
- (b) has been sentenced by any Court to transportation, imprisonment or whipping for any non-bailable offence, such sentence not having been subsequently set aside and such person's disqualification on account of such sentence not having been removed by an order which the Local Government are hereby empowered to make, if they think fit, in this behalf; or
- (c) is an uncertificated bankrupt or an undischarged insolvent; or
- (d) is the Commissioner or the Deputy Commissioner, or a municipal officer or servant, or a plumber or building surveyor licensed under this Act; or
- (e) is a Judge of a Court of Small Causes, or a Municipal Magistrate, or is acting in either of those capacities; or
- (f) has, directly or indirectly, by himself or by his partner or employer or any employé, any share or interest in any contract or employment with, by, or on behalf of, the Corporation.

(2) Notwithstanding anything contained in clause (f) of sub-section (1), no person shall be deemed to be disqualified thereunder by reason only of his having a share or interest in—

- (i) any lease, sale or purchase of land or any agreement for the same; or
- (ii) any agreement for the loan of money or any security for the payment of money only; or
- (iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or
- (iv) any incorporated company which contracts with or is employed by the Commissioner on behalf of the Corporation:

Provided that no Councillor who has, directly or indirectly, by himself or by his partner or employer or any employé, a share or interest in any matter or thing described in this sub-section, or who has acted professionally on behalf of any person having such share or interest, shall vote or take any part in any proceeding relating to that matter or thing.

Persons becoming
disqualified to cease
to be Councillors.

60. Any Councillor who—

[Cf. 1899, s. 40.]

- (a) becomes disqualified for being a Councillor for any reason mentioned in section 59, or

(Part II.—Chapter IV.—Election and Appointment of Councillors.—Clauses 61-63.)

(b) absents himself during six successive months from the meetings of the Corporation, except from temporary illness or other cause to be approved by the Corporation, or

(c) is retained in any professional capacity as a barrister, attorney, *vakil*, pleader or *mukhtear* in connection with any case to which the Corporation is a party,

shall cease to be a Councillor and his office shall thereupon become vacant.

Decision by Chief Judge of Small Cause Court of questions regarding disqualification.

61. Whenever it is alleged that any Councillor has become disqualified for office for any reason aforesaid and such Councillor does not admit the allegation, ^[Cf. 1899, s. 41.]

or whenever any Councillor is himself in doubt whether or not he has become disqualified for office,

such Councillor or any other Councillor may, and the Commissioner, at the request of the Corporation, shall, refer the question to the Chief Judge of the Court of Small Causes of Calcutta:

and the said Judge, after making such inquiry and taking such evidence as he deems necessary, shall determine whether or not such Councillor has become disqualified for being a Councillor, and his decision shall be final.

Term of office of Councillors, removals and filling of Casual Vacancies.

Term of office of Councillors.

62. (1) Every Councillor elected or appointed in pursuance of the proviso to section 1, sub-section (3), ^[Cf. 1899, s. 60.]

and every Councillor elected or appointed after the commencement of this Act,

shall, subject to the provisions of section 64, be elected or appointed, as the case may be, for a term of three years:

Provided that, if any election or appointment after the first be not made in due time, any Councillor who would otherwise have vacated his office shall continue in office until such election or appointment be duly made.

(2) At the expiration of the term or extended term mentioned in sub-section (1), a Councillor shall cease to hold office as such, but shall, unless disqualified, be eligible for re-election or re-appointment.

Removal of Councillor.

63. The Local Government may, if they think fit, on the recommendation of the Corporation, made after due inquiry in which the Councillor concerned shall have the right to be heard, remove any Councillor elected or appointed under this Act, if such Councillor has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct. ^[Cf. 1899, s. 61.]

*(Part II.—Chapter IV.—Election and Appointment
of Councillors.—Clause 64.)*

Filling of casual
vacancies.

64. In case of the death, resignation, removal or disqualification of any Councillor, a person shall forthwith be elected or appointed in his stead in the manner hereinbefore provided, and such person shall, subject to the proviso to section 62, sub-section (1), remain a Councillor for the residue of the term of office of the Councillor in whose stead he was elected or appointed. [Cf. 1891, s. 62.]

(Part II.)

CHAPTER V.

MUNICIPAL OFFICERS AND SERVANTS.

Appointment and
salary of principal
officers.

65. (1) The Corporation may from time to time— [Cf. 1899, a.
65.]

- (a) appoint proper persons, for such periods respectively as they may think fit, to hold the respective offices of Chief Engineer, Health Officer, Solicitor, Secretary, Assessor, Collector, City Architect, Chief Accountant, Surveyor and License Officer, or to hold any office carrying a salary of more than five hundred rupees *per mensem* which the Corporation may from time to time create for the purposes of this Act, and
- (b) fix the monthly salary to be paid to persons so appointed :

Provided as follows :—

- (i) every appointment to the office of Chief Engineer or Health Officer shall be subject to the approval of the Local Government ; and
- (ii) the salary of the Secretary shall not exceed one thousand rupees *per mensem*.

(2) Any two or more of the offices mentioned or referred to in sub-section (1) may be held by one person.

Appointment and
salary of other officers
and servants.

66. (1) The Commissioner shall annually prepare and bring before the Corporation a statement setting forth the designations and grades of the officers and servants (other than those mentioned or referred to in section 65 and other than employes who are paid by the day or whose pay is charged to temporary work) who should, in his opinion, be maintained, and the amount and nature of the salaries, fees and allowances which he proposes should be paid to each. [Cf. 1899, a.
65.]

(2) The Corporation shall sanction such statement either as it stands or subject to such modifications as they may deem expedient, and provision for the same shall be entered in the Budget Estimate.

(3) All appointments to offices specified in such statement as finally sanctioned shall be made by the Commissioner.

(4) The Commissioner may also make such temporary appointments of officers or servants as he thinks fit, subject to the following conditions, namely :—

- (a) the monthly salary attaching to any such temporary appointment shall not, without the sanction of the Corporation, exceed two hundred rupees, and
- (b) no such appointment shall, without the sanction of the Corporation, continue for more than six months in any one year.

(Part II.—Chapter V.—Municipal Officers and Servants.—Clauses 67-73.)

Prohibition of having share or interest in contract or employment with Corporation

67. (1) No person shall be eligible for employment as a municipal officer or servant if he has, directly or indirectly, by himself or his partner or employer or employé, any share or interest in any contract or employment with, by, or on behalf of, the Corporation. [Cf. 1899, s. 66.]

(2) If any municipal officer or servant acquires, directly or indirectly as aforesaid, any share or interest as aforesaid, otherwise than as such officer or servant, he shall cease to be a municipal officer or servant and his office shall become vacant.

(3) Nothing in the foregoing sub-sections shall apply to any such share or interest as, under clause (ii) or clause (iv) of section 59, it is permissible for a Councillor to have without being thereby disqualified for being a Councillor.

Indebtedness to disqualify for office under section 66.

68. (1) No person shall be eligible for any office mentioned or referred to in section 65 if he is seriously indebted to any person. [Cf. 1899, s. 67.]

(2) If any person holding any of the said offices becomes so indebted, the Corporation may declare his office to be vacant.

Rules as to qualifications.

69. (1) The Corporation may make rules prescribing the qualifications of candidates for employment in the Health, Building and Engineering Departments, respectively, of the Corporation. [Cf. 1899, s. 68.]

(2) It shall be the duty of the Commissioner to see that all such rules are duly enforced.

Contribution in respect of pension or leave-allowances of Government servants appointed to be municipal officers or servants.

70. When a servant of the Government is appointed to be a municipal officer or servant, the Corporation shall pay, in addition to his salary, any contribution which may for the time being be levied by the Government in respect of his pension or leave-allowances. [Cf. 1899, s. 69.]

Punishment of officers and servants.

71. Every municipal officer or servant shall be liable to fine, reduction, suspension, removal or dismissal by the authority by whom he was appointed: [Cf. 1899, s. 70.]

Provided that any action taken by the Corporation under this section in respect of the Chief Engineer or the Health Officer, or any action so taken with a view to the termination of the appointment of either of these officers, shall be subject to the approval of the Local Government:

Provided also that any other municipal officer or servant in receipt of a salary of more than three hundred rupees *per mensem* who is dismissed by the Commissioner may appeal to the General Appeals Committee. [Cf. Bom. Act III of 1888, s. 83 (a).]

Chief Engineer and Health Officer to be whole-time officers.

72. The Chief Engineer and the Health Officer shall devote their whole time to the duties of their respective offices. [Cf. 1899, s. 71.]

Certain officers to reside in Calcutta.

73. The Chief Engineer, Health Officer, Solicitor, Secretary, Assessor, Collector, City Architect, Chief Accountant, Surveyor and License Officer shall reside in Calcutta. [Cf. 1899, s. 72.]

(Part II.—Chapter V.—Municipal Officers and
Servants.—Clauses 74-76.)

Power to Corpora-
tion to make rules as
to furnishing security
and grant of leave of
absence, and leave
and other allowances.

74. The Corporation, by a resolution in favour of which not less than two-thirds of the Councillors voting have voted, may make rules— [Cf. 1899, s. 73.]

- (a) fixing the amount and nature of the security to be furnished by any municipal officer or servant from whom it may be deemed expedient to require security;
- (b) for regulating the grant of leave of absence, leave-allowances, acting-allowances, deputation-allowances, pensions and gratuities to municipal officers and servants;
- (c) for regulating the grant of compassionate allowances and gratuities to members of the families of deceased municipal officers and servants; and
- (d) for establishing and maintaining a provident or annuity fund, and for compelling all or any of the municipal officers or servants (other than any servant of the Government in respect of whom a contribution is made under section 70) to contribute to such fund:

Provided that no pension, gratuity or compassionate allowance referred to in clauses (b) and (c) shall, save with the special sanction of the Government of India, exceed the sum to which under any general or special orders of the Government of India for the time being in force such officer or servant or his family would be entitled if the service had been service under Government.

Grant of leave of
absence, and leave
and other allowances,
and appointment and
payment of substi-
tutes.

75. Subject to the rules for the time being in force under section 74, the authority by whom any municipal officer or servant was appointed may grant him such leave of absence and such leave-allowance, or acting or deputation-allowance, as it thinks fit, and may appoint a person to act for him during such absence and grant an acting-allowance to such person: [Cf. 1899, s. 74.]

Provided as follows:—

- (a) every appointment to act as Chief Engineer or Health Officer and the acting-allowance granted to any person so appointed, shall be subject to the approval of the Local Government;
- (b) if, in any special case, a departure from the aforesaid rules relating to leave-allowances or acting or deputation-allowances seems requisite, a special allowance may be granted subject to the sanction of the Local Government by a resolution of the Corporation in favour of which not less than two-thirds of the Councillors voting have voted.

Powers of acting
officer or servant.

76. Any person appointed under section 75 to act for any municipal officer or servant shall, while so acting, have all the powers and be liable to all the restrictions, limitations and provisions which such officer or servant would have, or be liable to, under this Act. [1899, s. 75.]

(Part II.—Chapter V.—Municipal Officers and Servants.—Clause 77.)

Grant of pensions, gratuities, and compassionate allowances.

77. (1) The Corporation may, in accordance with the rules made under section 74, grant—

[Cf. 1889, s. 76.]

(a) pensions and gratuities to municipal officers and servants, and

(b) compassionate allowances and gratuities to members of the families of deceased municipal officers and servants,

and may also make contributions to a Provident Fund in accordance with the said rules.

(2) For the purposes of this Chapter the family of a municipal officer or servant shall be deemed to include his wife, his legitimate children, his father or mother, dependent upon him for support.

[Cf. Civil Service Regulations, Art. 740.]

(Part II.)

CHAPTER VI.

CONDUCT OF BUSINESS.

Transaction of Business by the Corporation.

Meetings.

78. (1) The Corporation shall meet not less than once a month for the transaction of business. [Cf. 1899, s. 77.]

(2) The President appointed under section 80 may, whenever he thinks fit, and shall, upon a requisition made in writing by any seven Councillors, call a meeting of the Corporation.

First meeting after general election.

79. The first meeting of the Corporation after a general election of Councillors shall be held as early as conveniently may be in the month of April next following such election and shall be convened by the Commissioner. [Cf. Bom. Act III of 1898, s. 86 (b).]

Annual appointment of President and Vice-President.

80. (1) The Corporation shall, at their first meeting in each year, appoint one of their number to be President of their meetings until the first meeting in the next following year. [Cf. Bom. Act III of 1898, s. 37.]

(2) At the same meeting the Corporation shall appoint one of their number to be Vice-President for the same period, to perform all the functions of the President during his absence.

(3) If any vacancy occurs in the office of President or Vice-President, the Corporation shall choose one of their number to fill such vacancy, and the President or Vice-President so appointed shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue in office.

Notice of meetings and business.

81. A list of the business to be transacted at every meeting shall be sent to the address of each Councillor resident in Calcutta, so that it may be in his hands not less than forty-eight hours before the time fixed for such meeting; and no business shall be brought before, or transacted at, any meeting other than the business of which notice has been so given: [Cf. 1899, s. 78.]

Provided that any Councillor may submit to a meeting any resolution going beyond the matters mentioned in the notice given of such meeting, if he has given not less than forty-eight hours' previous notice of his intention so to do, by leaving a copy of such resolution at the Municipal Office.

Vote of majority decisive.

82. All acts authorized or required to be done by the Corporation, and all questions which may come before the Corporation for decision, shall, save as is in this Act otherwise provided, be respectively done and decided by a majority of the Councillors voting at the meeting before which the matter is brought. [Cf. 1899, s. 79.]

President at meeting.

83. (1) The President or, in his absence, the Vice-President appointed under section 80 shall preside at every meeting of the Corporation, and shall have a second or casting vote in all cases of equality of votes. [Cf. 1899, s. 81.]

(2) In the absence of the said President and Vice-President, the Councillors present at any meeting shall choose one of their number to preside, who shall, in case of equality of votes have a second or casting vote.

*(Part II.—Chapter VI.—Conduct of Business.—
Clauses 84-88.)*

(3) The President of any meeting at which a quorum of the Councillors is present may, with the consent of a majority of the Councillors present, adjourn the meeting from time to time and from place to place.

Quorum.

84. No business shall be transacted at any meeting unless a quorum of eighteen Councillors be present throughout the meeting: [Cf. 1899, s. 82.]

Provided that, if at any meeting there is not a sufficient number of Councillors present to form a quorum, the President of such meeting shall adjourn the meeting to such convenient time and place as he thinks fit; and the business which should have been brought before the original meeting, if there had been a quorum present, shall be brought forward and disposed of in the usual manner at the adjourned meeting, at which a quorum of ten Councillors shall suffice.

Declaration by President that a resolution has been carried or lost.

85. At any meeting, unless a poll be demanded by at least five Councillors, a declaration by the President of such meeting that a resolution has been carried or lost, and an entry to that effect in the minutes of proceedings shall, for the purposes of this Act, be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution. [Cf. 1899, s. 83.]

Poll and ballot.

86. If a poll be demanded under section 85, the votes of all the Councillors present who desire to vote shall be taken under the direction of the President of the meeting, and the result of such poll shall be deemed to be the resolution of the Corporation at such meeting: [Cf. 1899, s. 84.]

Provided that the Corporation may, subject to such rules as may be framed by them under section 87, resolve that any question or class of questions shall be decided by ballot.

Power to Corporation to make rules.

87. The Corporation may make rules for the conduct of business at their meetings. [1899, s. 85.]

Contracts and Seal of Corporation.

Execution of contracts by Commissioner on behalf of the Corporation.

88. (1) The Corporation may enter into and perform all such contracts as they may consider necessary or expedient for carrying into effect the provisions of this Act. [Cf. 1899, s. 86.]

(2) With respect to the making of such contracts the following provisions shall have effect, namely:—

- (a) every such contract shall be made on behalf of the Corporation by the Commissioner;
- (b) every such contract for any purpose which, under this Act, the Commissioner may not carry out without the sanction of the Corporation, shall be made by him subject to such sanction being first duly given;
- (c) no contract involving an expenditure exceeding five thousand rupees and not exceeding two and a half lakhs of rupees shall be made by the Commissioner unless the same is previously sanctioned by the Corporation;

(Part II.—Chapter VI.—Conduct of Business.—
Clauses 89, 90.)

(d) no contract involving an expenditure exceeding two and a half lakhs of rupees shall be made by the Commissioner unless the same is previously sanctioned by the Corporation and the Local Government.

(3) The foregoing provisions of this section shall apply to every variation or discharge of a contract as well as to an original contract.

Further provisions as to execution of contracts, and provisions as to seal of Corporation.

89. (1) Every contract made by the Commissioner on behalf of the Corporation shall be entered into in such manner and form as would bind the Commissioner if such contract were made on his own behalf, except that the common seal of the Corporation shall be used (where necessary); and every such contract may in the like manner and form be varied or discharged. [Cf. 1899, n. 87.]

(2) Every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees shall be in writing, shall be sealed, and shall specify—

- (a) the work to be done or the materials or goods to be supplied, as the case may be,
- (b) the price to be paid for such work, materials or goods, and,
- (c) in the case of a contract for work, the time or times within which the work or specified portions thereof shall be completed.

(3) The common seal of the Corporation shall remain in the custody of the Secretary to the Corporation, and shall not be affixed to any contract or other instrument except in the presence of a Councillor, who shall attach his signature to the contract or instrument in token that the same was sealed in his presence.

(4) The signature of the said Councillor shall be distinct from the signature of any witness to the execution of such contract or instrument.

(5) A contract not executed as provided in this section shall not be binding on the Corporation.

Tenders.

90. (1) Not less than seven days before the Commissioner enters into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees, he shall give notice by advertisement in local newspapers inviting tenders for such contract. [Cf. 1899, n. 88.]

(2) In every case in which the acceptance of a tender would involve an expenditure exceeding five thousand rupees, the Commissioner shall place before the Corporation the specifications, conditions and estimates, and all the tenders received, specifying the particular tender (if any) which he recommends for acceptance.

(3) In every case in which the acceptance of a tender would involve an expenditure exceeding two and a half lakhs of rupees, the Corporation shall submit to the Local Government the specifications, conditions and estimates, and all the tenders received, specifying the particular tender (if any) which they recommend for acceptance.

(Part II.—Chapter VI.—Conduct of Business.—
Clauses 91-97.)

(4) The Commissioner, the Corporation, or the Local Government, as the case may be, may reject all or any of the tenders made under the provisions of this section.

(5) Notwithstanding anything contained in this section, the Corporation may authorize the Commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting tenders or without the acceptance of any tender which may have been received. [Cf. Bom. Act III of 1888, s. 72 (3).]

91. The Commissioner shall take sufficient security for the due performance of every contract into which he enters after a tender has been accepted and may, in his discretion, take security for the due performance of any other contract into which he enters under this Act. [Cf. 1889, s. 89.]

Transaction of Business by the General Appeals Committee.

92. (1) The General Appeals Committee shall meet not less than once a month for the transaction of business.

(2) The first meeting of the said Committee shall be held in the month of April in each year, as soon as conveniently may be after the appointment of their members under section 9, and shall be convened by the Commissioner.

93. No business shall be transacted at any meeting of the General Appeals Committee unless at least three members are present throughout the meeting.

94. (1) The General Appeals Committee shall, at their first meeting in each year, appoint one of their number to be Chairman of the Committee and to preside at their meetings.

(2) If, at any meeting, the Chairman appointed under sub-section (1) is not present at the time appointed for holding the meeting, the members present shall (if they form a quorum) appoint one of their own number to preside over such meeting.

95. Every question which may come before a meeting of the General Appeals Committee shall be decided by a majority of votes of the members present and voting on that question; but, when there is an equality of votes, the Chairman of the meeting shall have a second or casting vote.

96. The General Appeals Committee may make rules to regulate the conduct of business at their meetings.

Transaction of Business by the Buildings Appeals Committee.

97. (1) The Buildings Appeals Committee shall meet not less than once a month for the transaction of business, but no business shall be transacted at any meeting of the Committee unless at least two of the members thereof are present throughout the meeting.

- (Part II.—Chapter VI.—Conduct of Business.—
Clause 98.)

(2) The first meeting of the said Committee shall be held in the month of April in each year, as soon as conveniently may be after the appointment of their members under section 10, and shall be convened by the Commissioner.

(3) The Local Government shall appoint one of the members of the said Committee to be Chairman thereof and to preside at their meetings.

(4) The provisions of section 95 and section 96 shall, with all necessary modifications, be deemed to apply to the Buildings Appeals Committee, except that when only two members of the Committee are present at a meeting thereof and disagree on any question such question shall be referred to all three members of the Committee.

(5) Each member of the said Committee shall be entitled to receive such remuneration, by way of fees, as the Local Government may prescribe.

Standing Committees.

Standing
Committees.

Com-

98. (1) The Corporation may from time to time appoint Standing Committees and, by specific resolution, delegate any of their powers or duties to such Committees, and may also from time to time, by like resolution, refer to them for inquiry and report, or for opinion, such subjects relating to the functions, powers or duties of the Corporation as the Corporation may think fit. [Cf 1899, s. 95.]

(2) A Standing Committee shall not consist of more than ten Councillors, and no Councillor shall, at the same time, be a member of more than two Standing Committees.

(3) The Local Government may make rules declaring what proportion of—

- (i) Ward Councillors,
- (ii) Mahomedan Councillors,
- (iii) Councillors appointed under clause (a), clause (b), clause (c), clause (d), clause (e) or clause (f) of section 8, and
- (iv) Councillors appointed under clause (g) of section 8,

respectively, shall be nominated by the Corporation to be members of every or any Standing Committee.

(4) Every Standing Committee shall conform to any instructions that may from time to time be given to them by the Corporation.

(5) The Corporation may at any time dissolve, or subject to the provisions of sub-section (2) and of any rules made under sub-section (3), alter the constitution of any Standing Committee.

(6) Every Standing Committee shall appoint one of their number to be their Chairman and to preside at their meetings:

Provided that no Councillor shall, at the same time, be the Chairman of more than one Standing Committee.

(Part II.—Chapter VI.—Conduct of Business.—
Clauses 99-101.)

(7) If, at any meeting, the Chairman appointed under sub-section (6) is not present at the time appointed for holding the meeting, the members of the Standing Committee present shall choose one of their number to preside over such meeting.

(8) When any matter is referred to a Standing Committee, the Corporation may fix a time within which the report of the Standing Committee thereon is to be submitted to the Corporation.

(9) All the proceedings of every Standing Committee shall be subject to confirmation by the Corporation:

Provided that, if the Commissioner concurs in any action recommended by a majority of the members of any Standing Committee and considers that inconvenience would result from delay in taking such action, he may take such action without waiting for confirmation by the Corporation of the proceedings of such Standing Committee; but if the Corporation do not confirm the proceedings of the Standing Committee, such steps shall be taken to carry out any orders passed by the Corporation as may still be practicable.

(10) The Corporation may make rules for regulating the conduct of business at meetings of Standing Committees.

Special Committees.

Special Committees.

99. (1) The Corporation may from time to time, by specific resolution, appoint a Special Committee to inquire into and report upon any matter (to be specified in such resolution) which may arise in connection with any of the functions, powers or duties of the Corporation and which is not at the time under consideration by a Standing Committee constituted under section 98. [cf. 1899, s. 96]

(2) The provisions of sub-sections (3), (4), (5), (6) (excluding the proviso), (7), (8) and (9) of section 98 shall, with all necessary modifications, be deemed to apply to every Special Committee appointed under this section, and such Committee shall confine their inquiry to the matter specified in the resolution referred to in sub-section (1).

(3) The Corporation may make rules for regulating the conduct of business at meetings of Special Committees.

Minutes and Reports of Proceedings.

Keeping of minutes of proceedings.

100. Minutes in which shall be recorded the names of the members present at, and the proceedings of, each meeting of the Corporation, of any Appeals Committee, and of every Standing or Special Committee, respectively, shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be laid before the next ensuing meeting of the Corporation or of such Committee, as the case may be, and signed at such meeting by the President or Chairman thereof. [cf. 1899, s. 97]

Inspection of minutes and reports of proceedings.

101. The minutes referred to in section 100 and the full reports (if any) of the proceedings of meetings of the Corporation, shall, at all reasonable times, be [cf. 1899, s. 98]

(Part II.—Chapter VI.—Conduct of Business.—
Clauses 102, 103.)

kept open at the Municipal Office for the inspection of any Councillor without charge, and of any other person on payment of a fee of eight annas.

Forwarding of minutes and reports of proceedings to Local Government.

102. The Commissioner shall forward to the Local Government a copy of the minutes of the proceedings of each meeting of the Corporation, within ten days from the date on which the minutes of the proceedings of such meeting were signed as prescribed in section 100; [C. 1899, s. 99.]

and, if the Local Government so direct in any case, shall also forward a copy of all papers which were laid before the Corporation or the Standing or Special Committee, as the case may be, for consideration at such meeting;

and shall also forward to the Local Government, as soon as may be after such date, a full report of the proceedings of meetings of the Corporation, if any such report be prepared.

Supplemental Provisions.

Validation of acts and proceedings.

103. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of— [C. 1899, s. 102.]

- (a) the existence of any vacancy in, or any defect in the constitution of, the Corporation, or any Appeals Committee or any Standing or Special Committee,
- (b) any Councillor having voted or taken part in any proceeding in contravention of the proviso to section 59, or
- (c) any defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Corporation, or of any Appeals, Standing or Special Committee, the minutes of the proceedings of which have been duly signed as prescribed in section 100, shall be deemed to have been duly convened and to be free from all defects and irregularity.

PART III.

FINANCE.

CHAPTER VII.

THE MUNICIPAL FUND.

Municipal Fund to be sole and to be held in trust.

104. (1) There shall be one Municipal Fund and it shall be held by the Corporation in trust for the purposes of this Act, subject to the provisions therein contained. [C. 1899, s. 108.]

Credit of moneys to Municipal Fund.

105. All moneys realized or realizable under this Act shall be credited to the Municipal Fund.

Receipt of moneys and deposit in bank.

106. All moneys payable to the credit of the Municipal Fund shall be received by the Commissioner and shall be forthwith paid into the Bank of Bengal to the credit of an account which shall be styled, in each case, "the account of the Municipal Fund of the City of Calcutta." [C. 1899, s. 111.]

Drafts on the Municipal Fund.

107. (1) Subject to the provisions of section 26, section 138 and section 139, no payment shall be made by the Bank of Bengal out of the Municipal Fund except upon a cheque signed— [C. 1899, s. 112.]

(a) by any two of the following persons, namely:—

- (i) the Commissioner,
- (ii) the Deputy Commissioner,
- (iii) the Secretary,
- (iv) the Chief Accountant; or,

(b) in the event of the illness or absence from Calcutta of any three of the persons mentioned in clause (a), by the remaining one of such persons and any other person appointed in that behalf by the Commissioner, or,

(c) in the event of the illness or absence from Calcutta of all the persons mentioned in clause (a), by any two other persons appointed as provided in clause (b).

(2) Payment of any sum due by the Corporation exceeding one hundred rupees in amount shall be made by means of a cheque signed as provided in sub-section (1) and not in any other way.

(3) Payment of any sum due by the Corporation not exceeding one hundred rupees in amount may be made in cash, cheques signed as prescribed in sub-section (1) being drawn from time to time to cover such payments.

(Part III.—Chapter VII.—The Municipal Fund.—
Clauses 108, 109.)

Application
Municipal Fund.

of **108.** (1) The moneys from time to time credited to the Municipal Fund shall be applied in payment of all sums, charges and costs necessary for the purposes specified or referred to in section 14 or for otherwise carrying this Act into effect, or of which the payment is duly directed or sanctioned by or under any of the provisions of this Act, inclusive of—

[Cf. 1899, s. 114.]

- (a) the expenses of every election held under this Act;
- (b) the salaries and other allowances of the Commissioner and Deputy Commissioner;
- (c) the fees payable under section 97, sub-section (5), to members of the Buildings Appeals Committee;
- (d) the salaries, fees and allowances of all municipal officers and servants and all pensions, gratuities, compassionate allowances, bonuses and contributions to a Provident Fund granted under Chapter V;
- (e) charges for stationery, printing and advertising;
- (f) all expenses and costs incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him by or under this Act, including payments which he is required or empowered to make by way of compensation; and
- (g) every sum payable—
 - (i) under section 26, under the orders of the Local Government;
 - (ii) under the direction of any officer appointed under section 138 or section 139;
 - (iii) under a decree or order of a Civil or Criminal Court passed against the Corporation or against the Commissioner *ex officio*; or
 - (iv) under a compromise of any suit or other legal proceeding or claim effected under section 542.

(2) Such moneys shall likewise be applied in payment of all sums payable out of the Municipal Fund under any other enactment for the time being in force.

Payments not to be made out of Municipal Fund unless covered by a budget-grant and balance is available.

109. No payment of any sum out of the Municipal Fund shall be authorized by the Commissioner unless the expenditure of the same is covered by a current budget-grant and a sufficient balance of such budget-grant is still available notwithstanding any reduction or transfer thereof which may have been made under section 116 or section 117:

[Cf. 1896, s. 115.]

Provided that this section shall not apply to payments made in the following classes of cases, namely:—

- (a) refunds of taxes and other moneys which are authorized by this Act;

*(Part III.—Chapter VII.—The Municipal Fund.—
Clauses 110-112.)*

- (b) repayments of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the Municipal Fund by mistake;
- (c) costs incurred by the Commissioner under clause (c) of section 17;
- (d) sums payable in any of the circumstances mentioned in section 108, clause (g) and sub-section (2);
- (e) temporary payments under section 112 for works urgently required for the public service;
- (f) sums which the Commissioner is, by or under section 271, sub-section (2), section 323, sub-section (1), section 357, sub-section (2), section 406, sub-section (4), section 445, sub-section (2), section 447, sub-section (4), section 511, sub-section (3), section 523, clause (c) of section 540, or rule 2, sub-rule (6), or rule 6, sub-rule (2), of Schedule XV, required or empowered to pay by way of compensation;
- (g) sums payable by the Commissioner as compensation under any rule or by-law made under this Act; and
- (h) expenses incurred by the Commissioner in the exercise of the powers conferred upon him by section 452.

Duty of person signing cheque.

110. Before any person authorized under section 107 signs a cheque, he shall satisfy himself that the sum for which such cheque is drawn is either—

[*cf.* 1899, s. 116.]

- (a) required for a purpose or work specifically sanctioned by the proper authority and covered by a current budget-grant, or
- (b) required for any payment referred to or specified in the proviso to section 109.

Procedure when money not covered by a budget-grant is expended under clause (c), (d), (f), (g) or (h) of section 109.

111. Whenever any sum is expended by the Commissioner under clause (c), clause (d), clause (f), clause (g) or clause (h) of the proviso to section 109, he shall forthwith communicate the circumstances to the Corporation, who shall take such action under section 116 as may in the circumstances appear possible and expedient for covering the amount of the additional expenditure.

[*cf.* 1899, s. 117.]

Temporary payments from the Municipal Fund for works urgently required for the public service.

112. (1) On the written requisition of a Secretary to the Local Government, the Commissioner may at any time undertake the execution of any work certified by such Secretary to be urgently required for the public service, and for this purpose may temporarily make payments from the Municipal Fund, so far as the same can be made without unduly interfering with the regular working of the municipal administration.

[*cf.* 1899, s. 118.]

(2) The cost of all work so executed and of the establishment engaged in executing the same shall be paid by the Local Government and credited to the Municipal Fund.

(3) On receipt of any requisition under sub-section (1), the Commissioner shall forthwith forward a copy thereof to the Corporation together with a report of the steps taken by him in pursuance of the same.

(Part III.—Chapter VII.—The Municipal Fund.—
Clause 113.)

Investment
surplus money.

of **113.** (1) Surplus moneys at the credit of the Municipal Fund, which cannot immediately or at an early date be applied to the purposes of this Act, may from time to time be deposited at interest in the Bank of Bengal, or invested in any of the securities or debentures mentioned in section 132, sub-section (1). [Cf. 1899, s. 119.]

(2) All such deposits and investments shall be made by the Commissioner on behalf of the Corporation; and the Commissioner may at any time withdraw any deposit so made, or dispose of any securities, and re-deposit or re-invest the money so withdrawn or the proceeds of the disposal of such securities.

(3) The loss, if any, arising from any such deposit or investment shall be debited to the Municipal Fund.

(Part III.)

CHAPTER VIII.

BUDGET ESTIMATE.

Commissioner to lay before Corporation annual estimates of expenditure, receipts and balances and statement of proposed taxes.

114. The Commissioner shall, on or before each tenth day of February, cause to be prepared and lay before the Corporation, in such form as the Corporation may from time to time approve,— [Cf. 1899, s. 126.]

- (a) an estimate of the expenditure which should, in his opinion, be incurred by the Corporation in the next ensuing year,
- (b) an estimate of receipts from all sources during the said year,
- (c) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the said year, and
- (d) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under this Act in the said year.

Corporation to frame Budget Estimate.

115. (1) The Corporation shall consider the estimates and proposals submitted by the Commissioner under section 114 and shall thereafter— [Cf. 1899, ss. 121, 122, 124 and 125.]

- (a) on or before the twenty-second day of March in each year frame and adopt a Budget Estimate of income and expenditure for the ensuing year, and
- (b) determine, subject to the provisions of Part IV, the levy of the consolidated rate and taxes for the said year at such rates as are necessary to provide for the purposes mentioned in sub-section (2).

(2) In such Budget Estimate, the Corporation shall, among other things,—

- (a) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed by this Act,
- (b) provide for the payment, as they fall due, of all instalments of principal and interest for which the Corporation may be liable in respect of loans contracted by them, and
- (c) allow for a cash balance at the end of the said year of not less than six lakhs of rupees.

Power to Corporation to alter budget-grants.

116. (1) The Corporation may from time to time during the year— [Cf. 1899, s. 126.]

- (a) increase the amount of any budget-grant,
- (b) make an additional budget-grant to meet any special or unforeseen requirement arising during the same year,
- (c) transfer the amount or a portion of the amount of any budget-grant to the amount of any other budget-grant, or
- (d) reduce the amount of any budget-grant:

(Part III.—Chapter VIII.—Budget Estimate.—
Clause 117.)

Provided as follows :—

- (i) due regard shall be had to all the requirements of this Act, and
- (ii) in making any increase or additional budget-grant, the estimated cash balance at the close of the year shall not be reduced below six lakhs of rupees.

(2) Every increase to a budget-grant and every additional budget-grant made in any year under sub-section (1) shall be deemed to be included in the Budget Estimate finally adopted for that year.

Power to Corporation to re-adjust income and expenditure during the year.

117. (1) If at any time during the year it appears to the Corporation that, notwithstanding any reduction of budget-grants that has been made under section 116, the income of the Municipal Fund during the same year will not suffice to meet the expenditure sanctioned in the Budget Estimate of that year, and to leave at the close of the year a cash balance of not less than six lakhs of rupees, then it shall be incumbent on the Corporation forthwith to sanction any measure which they may consider necessary for proportioning the year's income to the expenditure. (Cf. 1899, s. 127.)

(2) For the purposes of sub-section (1), the Corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or have recourse to supplementary taxation, or adopt both of those methods.

(Part III.)

CHAPTER IX.

LOANS.

Power to Corpora-
tion to borrow
money.

118. (1) The Corporation may, in pursuance of a resolution passed at a meeting, from time to time raise a loan, by the issue of debentures, on the security of the consolidated rate, or of all or any of the taxes, fees and dues authorized by this Act (or of both the said rate and all or any of the said taxes, fees and dues), of any sums of money which may be required—

- (a) for the construction of works under this Act, or
- (b) for the acquisition of land for the purposes of this Act, or
- (c) to pay off any debt due to the Government, or
- (d) to repay a loan raised under this Act:

Provided as follows:—

- (i) no loan shall be raised without the previous sanction of the Local Government, or (if the loan exceeds five lakhs of rupees or is to be repaid after a period exceeding thirty years) the Government of India;
- (ii) the rate of interest to be paid for any loan, and the terms (as to the time and method of repayment, and otherwise) upon which any loan is to be raised, shall be subject to the approval of the Local Government, or (if the loan exceeds five lakhs of rupees or is to be repaid after a period exceeding thirty years) the Government of India;
- (iii) the period within which a loan is to be repaid shall in no case exceed sixty years.

(2) When any sum of money has been borrowed under sub-section (1),—

- (i) no portion thereof shall, without the previous sanction of the Local Government, be applied to any purpose other than that for which it was borrowed, and
- (ii) no portion of any sum of money borrowed under clause (a) of sub-section (1) shall be applied to the payment of salaries or allowances to any municipal officers or servants, other than those who are exclusively employed upon the works for the construction of which the money was borrowed.

Determination of
sums to be borrowed.

119. The Corporation shall, at a meeting to be held on or before the twenty-second day of March in each year, after considering the Commissioner's proposals in this behalf, determine, subject to the provisions of this Act, what sums of money (if any) shall be borrowed under section 118 in the next ensuing year.

Limit to borrowing
powers.

120. Notwithstanding anything hereinbefore contained, the borrowing powers of the Corporation shall be limited so that the sums payable under this Act during any year for interest and for the maintenance of Sinking Funds (including the payments prescribed by sub-clause (c) of section 128), shall not exceed ten *per cent.* on the annual rateable value of land and buildings as determined under Chapter XI.

[Cf. 1899, c.
128.]

[Cf. 1899, c.
120.]

[Cf. 1899, c.
120.]

(Part III.—Chapter IX.—Loans.—Clauses 121-125.)

Form, exchange,
transfer and effect of
debentures.

121. (1) All debentures issued under this Act [1899, s. 131.] shall be in such form, and signed by such person, as the Corporation may from time to time prescribe, with the previous sanction of the Local Government, or (in the case of a loan raised out of India) the Government of India.

(2) The holder of any debenture in any form prescribed under sub-section (1) may obtain in exchange therefor, upon such terms as the Corporation may from time to time determine, a debenture in any other form so prescribed.

(3) The holder of any debenture issued by the Corporation under the authority of any prior enactment may obtain in exchange therefor, upon such terms as the Corporation may from time to time determine, a debenture in a form prescribed under sub-section (1).

(4) Every debenture issued by the Corporation under this Act shall be transferable in such manner as shall be therein expressed.

(5) The right to sue in respect of the moneys secured by any such debentures, or by any debentures issued by the Corporation under the authority of any prior enactment, shall be vested in the holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

Signature of coupons attached to debentures.

122. All coupons attached to debentures issued under this Act shall bear the signature of the Commissioner; and such signature may be engraved, lithographed or impressed by any mechanical process. [Cf. 1899, s. 132.]

Payment to survivors of joint payees.

123. When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Indian Contract Act, 1872, the debenture or security shall be payable to the survivor or survivors of such persons: [1899, s. 133.]

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors. IX of 1872

Receipt by joint holder for interest or dividend.

124. Where two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Corporation by any other of such persons. [1899, s. 134.]

Repayment of loans

125. Every loan raised by the Corporation under section 118 shall be repaid within the time approved under proviso (ii) to sub-section (1) of that section, and by such of the following methods as may be so approved, namely:— [Cf. 1899, s. 135.]

(a) from a Sinking Fund established under section 126, in respect of the loan, or

(b) partly from the Sinking Fund established under section 126 in respect of the loan, and (to the extent to which that Sinking Fund falls short of the sum required for the repayment of the loan) partly from money borrowed for the purpose under clause (d) of section 118.

(Part III.—Chapter IX.—Loans.—Clauses 126-128.)

Establishment and maintenance of Sinking Funds for such loans.

126. (1) Whenever the repayment from a Sinking Fund of a loan referred to in section 125, has been approved under proviso (ii) to sub-section (1) of section 118, the Corporation shall establish such a Fund and shall pay into it on the first day of January and the first day of July in each year until the loan is repaid, a sum so calculated that, if regularly paid, it would, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the loan at the time approved. [Cf. 1899, s. 136.]

(2) The rate of interest, on the basis of which the sum referred to in sub-section (1) shall be calculated, shall be such as may be prescribed by the Government of India.

(3) A separate Sinking Fund shall be established in respect of each loan referred to in section 125.

Power to discontinue payments into Sinking Fund.

127. Notwithstanding anything contained in section 126, if at any time the sum standing at credit of the Sinking Fund established for the repayment of any loan is of such amount that, if allowed to accumulate at the rate of interest prescribed under sub-section (2) of that section, it will be sufficient to repay the loan at the time approved under proviso (ii) to sub-section (1) of section 118, then, with the permission of the Local Government, further payments into such Fund may be discontinued. [Cf. 1899, s. 137.]

Provisions regarding loans raised between the 1st April, 1881, and the commencement of the Calcutta Municipal (Loans) Act, 1914.

128. In respect of all loans raised by the Corporation between the 1st April, 1881, and the commencement of the Calcutta Municipal (Loans) Act, 1914, the following provisions shall have effect, namely:— [Cf. 1899, s. 138.] Ben. Act IV of 1914.

(1) The Corporation shall maintain a Sinking Fund in respect of all such loans, and shall pay into such Fund the following sums:—

(a) on the first day of January and the first day of July in each year, in respect of such of the said loans as were repaid before the 31st March, 1914, a sum representing four *per cent. per annum* on the amount of each of such loans, such payments to be continued, in the case of each of such loans, until the expiry of a period of forty-seven years from the date on which the loan was raised, and

(b) on the first day of January and the first day of July in each year, in respect of such of the said loans as have not been repaid before the 31st March, 1914, a sum representing one *per cent. per annum* on the amount of each of such loans, until the loan is repaid, and

(c) on the first day of January and the first day of July in each year, for a period of ten years, with effect from the 1st July, 1914, the sum of Rupees sixty-six thousand.

(2) When any of the said loans hereafter falls due for repayment, it shall be repaid—

(i) from the sums which have accumulated in the Sinking Fund maintained under clause (1) and in Sinking Fund. A maintained before the commencement of

(Part III.—Chapter IX.—Loans.—Clauses 129-131).

the Calcutta Municipal (Loans) Act, 1914, to the extent to which payments of one *per cent. per annum* on the amount of any such loan would have accumulated at three *per cent.* compound interest from the date of its commencement, and

Ben. Act IV of 1914.

(ii) to the extent to which the sums referred to in sub-clause (i) of this clause fall short of the sum required for repayment of the loan—from money to be borrowed by the Corporation for the purpose, for the period by which the term of the original loan falls short of forty-seven years.

(3) A separate Sinking Fund shall be established in respect of each amount borrowed under sub-clause (ii) of clause (2) of this section, and the provisions of sections 126 and 127, shall apply to each such Sinking Fund.

Method of disposal of securities transferred to Corporation under Ben. Act IV of 1914.

129. All securities and cash jointly or severally held, before the commencement of the Calcutta Municipal (Loans) Act, 1914, by the Secretary to the Government of Bengal in the Financial Department and the Accountant-General, Bengal, as Trustees for and in respect of Sinking Fund A referred to in sub-clause (i) of clause (2) of section 128, and transferred by them to the Corporation in pursuance of the provisions of that Act, shall be held by the Corporation as part of the Sinking Fund established under section 128.

[Cf. 1899, s. 189.]

Ben. Act IV of 1914.

Power to Corporation to consolidate their loans.

130. (1) Notwithstanding anything to the contrary contained in this Act, the Corporation may consolidate all or any of their loans, and for that purpose may invite tenders for a new loan (to be called 'the Calcutta Municipal Consolidated Loan, 19 ') and invite holders of municipal debentures to exchange their debentures for scrip of such loan.

[1899, s. 140.]

(2) The terms of every such consolidated loan, and the rates at which exchange into such consolidated loan shall be permitted, shall be subject to the prior approval of the Government of India.

(3) The period for the extinction of any such consolidated loan shall not, without the sanction of the Government of India, extend beyond the furthest date within which any of the loans to be consolidated would otherwise be repayable.

(4) The Corporation shall provide for the repayment of every such consolidated loan by establishing a Sinking Fund therefor.

(5) The provisions of sections 126 and 127 shall apply to each Sinking Fund established under sub-section (4):

Provided that, in calculating the sum to be paid into any such Sinking Fund in pursuance of section 126, any sums transferred to that Fund in pursuance of proviso (i) or proviso (ii) to section 134 shall be taken into account.

Time for repayment of money borrowed to extinguish previous loan.

131. The time for the repayment of any money borrowed under this Act for the purpose of extinguishing any previous loan shall not, except with the express sanction of the Government of India, extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

[1899, s. 141.]

*(Part III.—Chapter IX.—Loans.—Clauses 132-134.)*Investment
Sinking Funds

132. (1) All money paid into a Sinking Fund shall as soon as possible be invested by the Corporation in—

[1899,
141A.]

- (a) Government securities, or
- (b) securities guaranteed by the Government, or
- (c) Calcutta Municipal debentures, or
- (d) debentures issued by the Commissioners for the Port of Calcutta, or
- (e) debentures issued by the Trustees for the Improvement of Calcutta,

and shall be held by the Corporation for the purpose of repaying from time to time the debentures issued by it.

(2) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate Sinking Fund and invested in the manner prescribed by sub-section (1).

(3) Moneys standing at credit of two or more Sinking Funds may, at the discretion of the Corporation, be invested together as a common fund, and it shall not be necessary for the Corporation to allocate the securities held in such investments among the several Sinking Funds.

(4) Any investment made under this section may from time to time, subject to the provisions of sub-section (1), be varied or transposed.

Power to Corpora-
tion to reserve a
portion of loan-deben-
tures for investment
of Sinking Funds.

133. (1) For the purpose of investing any portion of the Municipal Fund (including Sinking Funds) the Corporation may, with the previous sanction of the Government of India, reserve and set apart for issue at par to and in the name of 'the Municipal Commissioner of Calcutta (on behalf of the Corporation)' any portion of the debentures to be issued on account of any loan, provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of the issue of the loan.

[Cf. 1899, s.
141B.]

(2) The issue of any such debentures to the Commissioner, as aforesaid, shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person.

(3) The purchase by, or the transfer, assignment or endorsement to, the Corporation, or to the Commissioner on behalf of the Corporation, of any debenture issued by the Corporation shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to any other person.

Application
Sinking Funds.

134. Until any loan is wholly repaid, the Corporation shall not apply the Sinking Fund established in respect of that loan to any purpose other than the repayment of that loan:

[Cf. 1899, s.
141C.]

Provided that—

- (i) when any loan, or part thereof, which is raised after the commencement of this Act, is consolidated under section 130, the Corporation shall transfer to the Sinking Fund established for such consolidated loan the sum standing at credit of the Sinking Fund of the original loan, or, if

(Part III.—Chapter IX.—Loans.—Clauses 135-137.)

part only of a loan is consolidated, then such part of the sum standing at credit of the Sinking Fund of the original loan as is proportionate to the amount of the original loan which is incorporated in the consolidated loan; and

- (ii) when any loan, or part thereof, which was raised before the commencement of the Calcutta Municipal (Loans) Act, 1914, has been consolidated, the Corporation shall transfer such amounts as the Government of India may direct from the Sinking Fund maintained under clause (1) of section 128, and from Sinking Fund A maintained before the commencement of the said Act to the Sinking Fund established for consolidated loans under section 130, sub-section (4).

Ben. Act IV
of 1914.

Annual statement
by Commissioner.

135. (1) The Commissioner shall, at the end of each year, prepare a statement showing—

[Cf. 1899, s.
141D.]

- (a) the amount which has been invested during the year under section 132,
- (b) the date of the last investment made previous to the submission of the statement,
- (c) the aggregate amount of the securities then in the hands of the Corporation, and
- (d) the aggregate amount which has, up to the date of the statement, been applied under section 134, in or towards repaying loans.

(2) Every such statement shall be laid before a meeting of the Corporation and published in the *Calcutta Gazette*.

Priority of pay-
ments for interest
and repayment of
loans over other
payments.

136. All payments due from the Corporation for interest on and repayment of loans shall be made in priority to all other payments due from the Corporation.

[Cf. 1899, s.
141E.]

Annual examina-
tion of Sinking
Funds.

137. (1) All Sinking Funds established under this Act shall be subject to annual examination by the Accountant-General, Bengal, who shall ascertain whether the cash and the current value of the securities at credit of such Funds are actually equal to the amount which would have accumulated had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

[Cf. 1899, s.
141F.]

(2) The Corporation shall forthwith pay into any Sinking Fund any amount which the Accountant-General may certify to be deficient, unless the Government of India specially sanction a gradual readjustment.

(3) If the cash and the current value of the securities at credit of any Sinking Fund are more than equal to the amount which should have accumulated in the circumstances described in sub-section (1), the Accountant-General shall certify the amount of such excess sum, and the Corporation may thereupon transfer the excess sum to the Municipal Fund.

(4) If any dispute arises as to the accuracy of any certificate made by the Accountant-General under sub-section (2) or sub-section (3), the Corporation may, after making the payment or transfer therein mentioned, refer the matter to the Local Government, whose decision shall be final.

(Part III.—Chapter IX.—Loans.—Clauses 138, 139.)

Attachment of
Municipal Fund for
recovery of money
borrowed from the
Government.

138. (1) If any money borrowed by the Corporation from the Government, whether before or after the commencement of this Act, or any interest or costs due in respect thereof, is or are not repaid according to the conditions of the loan, the Local Government may attach the Municipal Fund or any portion thereof. [Cf. 1899, 141G.]

(2) After such attachment, no person except an officer appointed in this behalf by the Local Government shall in any way deal with the attached Fund or portion thereof; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrear and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the Fund attached was previously pledged in accordance with law; but all such prior charges shall be paid out of the proceeds of the Fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

Attachment of
Municipal Fund for
securing payment
into Sinking Funds.

139. If the Corporation fail to make any payment as required by section 137, sub-section (2), the Local Government may attach the Municipal Fund or any portion thereof; and the provisions of section 138, sub-section (2), shall, with all necessary modifications, be deemed to apply. [Cf. 1899, 141H.]

(Part III.)

CHAPTER X.

ACCOUNTS.

Accounts to be kept.

140. Accounts of receipts and expenditure of the Corporation shall be kept in such manner and in such forms as the Commissioner, subject to the control of the Corporation, may from time to time prescribe. [Cf. 1899, s. 142.]

Appointment and powers of municipal auditors

141. (1) The municipal accounts shall be examined and audited from time to time by auditors appointed in that behalf by the Local Government. [Cf. 1899, s. 143.]

(2) The auditors so appointed may,—

- (a) by written summons, require the production before them of any document which they may consider necessary for the proper conduct of their audit;
- (b) by written summons, require any person accountable for, or having the custody or control of, any such document to appear in person before them; and
- (c) require any person so appearing before them to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Reports and information to be furnished by auditors.

142. The auditors appointed under section 141, shall— [Cf. 1899, s. 144.]

- (a) report to the Commissioner any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the Corporation, or in the municipal accounts,
- (b) furnish to the Commissioner such information as the Commissioner may from time to time require concerning the progress of their audit, and
- (c) as soon as may be after the completion of their audit, deliver to the Commissioner a report upon the municipal accounts.

Auditors' report to be sent to each Councillor and laid before Corporation.

143. The Commissioner shall, on receipt of the report mentioned in clause (c) of section 142,— [Cf. 1899, s. 145.]

- (a) cause it to be printed, and
- (b) forward a printed copy thereof to each Councillor, and
- (c) submit such report to the Corporation for consideration at their next meeting.

Commissioner to remedy defects pointed out by auditors, and to report same to Corporation.

144. It shall be the duty of the Commissioner forthwith to remedy any defects or irregularities that may be pointed out by the auditors, and to report the same to the Corporation. [Cf. 1899, s. 146.]

PART IV.

TAXATION.

CHAPTER XI.

THE CONSOLIDATED RATE.

Imposition of Consolidated Rate.

Power to Corpora-
tion to impose con-
solidated rate.

145. A consolidated rate not exceeding twenty-three *per cent.* on the annual valuation determined under this Chapter may be imposed by the Corporation upon all lands and buildings in Calcutta for the purposes of this Act.

[Cf. 1899, a.
147.]

Amount of consoli-
dated rate how to be
fixed.

146. The amount of the said rate shall be fixed annually, in the manner provided in Chapter VIII, with reference to the requirements of the Municipal Fund.

[Cf. 1899, a.
148.]

Exemptions.

Exemptions from
consolidated rate.

147. (1) Buildings used exclusively for purposes of public worship, and public burial or burning grounds or other places for the disposal of the dead duly registered under Chapter XXXI, shall be exempt from the consolidated rate;

[Cf. 1899, a.
150.]

and the Corporation may either wholly or partially exempt from the consolidated rate any land or building used for purposes of public charity:

Provided that the following land and buildings shall not be deemed to be used exclusively for public worship or for purposes of public charity within the meaning of this section, namely:—

- (a) land or buildings in or on which any trade or business is carried on, and
- (b) land or buildings in respect of which rent is derived, whether such rent is or is not applied exclusively to religious purposes or purposes of public charity.

(2) Open spaces and parade grounds, which are the property of Government, shall be exempted from the consolidated rate, if the Local Government so direct.

(3) The Corporation may exempt the owner of any hut from payment of the whole or any portion of the consolidated rate payable in respect of such hut.

(4) The Corporation may, by resolution, exempt from the consolidated rate all lands and buildings the annual valuation of which, as determined under this Chapter, does not exceed twenty rupees or such smaller sum as may be specified in such resolution:

Provided that no person shall be entitled to claim the benefit of such exemption if he owns or occupies more than one piece of land or one building and the aggregate annual valuation of all the lands or buildings owned or occupied by him exceeds twenty rupees or the said smaller sum.

Assessment of Lands and Buildings to the Consolidated Rate.

Annual value of
land or building how
to be ascertained.

148. For the purpose of assessing land and buildings to the consolidated rate,—

[Cf. 1899, a.
151.]

- (a) the annual value of land, and the annual value of any building erected for letting purposes or ordinarily let, shall be deemed to be the

(Part IV.—Chapter XI.—The Consolidated Rate.—
Clause 149.)

gross annual rent at which the land or building might reasonably be expected to let from year to year, less, in the case of a building, an allowance of ten *per cent.* for the cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross rent; and

- (b) the annual value of any building not erected for letting purposes and not ordinarily let shall be deemed to be five *per cent.* on the sum obtained by adding the estimated present cost of erecting the building, less a reasonable amount to be deducted on account of depreciation (if any), to the estimated value of the land valued with the building as part of the same premises:

Provided as follows:—

- (i) the annual value of a *bustee* shall be deemed to be the gross annual rent at which the land contained within it might reasonably be expected to let from year to year, *plus* the gross annual rent at which the huts or structures erected thereon might reasonably be expected to let from year to year, after deducting therefrom the rent of the land and an allowance of ten *per cent.* for the cost of repairs and for all other expenses necessary to maintain such huts or structures in a state to command such gross rent;
- (ii) in calculating the value of any land or building under this section, the value of any machinery on such land or in such building shall be excluded; but all fixtures, including lifts and electric and other fittings, which add to the convenience of the building, shall be valued;
- (iii) if, in the case of a building valued under clause (b), any exceptional circumstances exist which render a valuation of five *per cent.* on the cost of erecting the building, less depreciation, excessive, a lower percentage may be taken;
- (iv) when any building has been valued at a special percentage taken under proviso (iii), it may be re-valued at any time after the exceptional circumstances referred to in that proviso have ceased to exist.

Assessment of
annual value, and
duration of assess-
ment.

149. (1) The valuation of any land or building situated in Calcutta, which was made under the Calcutta Municipal Act, 1899, and is in force at the commencement of this Act, shall continue in force for the unexpired portion of the period for which such valuation was made under that Act.

[Cf. 1899, s. 153]

Ben. Act III of 1899.

(2) A valuation of all land and buildings within any area which is included in Calcutta under this Act but which was not so included under the Calcutta Municipal Act, 1899, shall be made by the Commissioner, as soon as may be after the commencement of this Act, and such valuation shall remain in force until the expiration of the period prescribed under sub-section (1) for the valuation of other land and buildings in the ward in which the said area is included.

Ben. Act III of 1899.

(Part IV.—Chapter XI.—The Consolidated Rate.—
Clause 149.)

(3) The Commissioner shall, after the expiration of the said period, cause a new valuation of all land and buildings referred to in sub-section (1) or sub-section (2) to be made and shall fix the said valuation for a period of six years from the date of such expiration, and shall thereafter cause the same to be revised at the termination of successive periods of six years.

(4) Notwithstanding anything contained in sub-section (1), sub-section (2), and sub-section (3), the conditions set out below shall apply in the several cases hereinafter specified, namely:—

bustees;

(a) *bustees* with the huts upon them may be valued annually at the discretion of the Commissioner, and shall be so valued on the application of the owner; and, when such *bustees* are not re-valued, the former valuation shall remain in force from year to year until a re-valuation is made;

unvalued lands and
buildings;

(b) any land or building the valuation of which has been cancelled on the ground of irregularity, or which for any other reason has no annual value assigned to it under this Act, may be valued by the Commissioner at any time during the currency of the period prescribed in respect of such land or building by sub-section (1), sub-section (2), or sub-section (3), as the case may be, and such valuation shall remain in force, and the consolidated rate shall be levied according to it, for the unexpired portion of such period;

alterations and
improvements;

(c) if, during the currency of any period prescribed by sub-section (1), sub-section (2), or sub-section (3), any substantial alteration and improvement is made in any building the Commissioner may cause such building to be re-valued; and such re-valuation shall remain in force, and the consolidated rate shall be levied according to it, until the expiration of the said period;

new buildings;

(d) if, during the currency of any period prescribed by sub-section (1), sub-section (2), or sub-section (3), any new building is erected, the Commissioner may cause such building to be valued; and such valuation shall remain in force, and the consolidated rate shall be levied according to it, until the expiration of the said period;

depreciation

(e) if, during the currency of any period prescribed by sub-section (1), sub-section (2), or sub-section (3), the value of any building suffers depreciation from any cause proved to the satisfaction of the Commissioner to have been beyond the control of the owner or occupier thereof, the Commissioner shall, as soon as practicable, on application being made to him in writing by the owner or occupier of such building, cause it to be re-valued; and such re-valuation shall remain in force from the beginning of the quarter next following the date of the application, and the consolidated rate shall be levied according to it, until the expiration of the said period:

(Part IV.—Chapter XI.—The Consolidated Rate.—
Clauses 150-154.)

alterations and
improvements after
re-valuation;

(f) if any building has been re-valued under clause (e) and any substantial alteration and improvement is made in the building during the currency of the period prescribed by that clause for the continuance of such re-valuation, the Commissioner may cause such building to be newly valued; and such new valuation shall remain in force, and the consolidated rate shall be levied according to it, until the expiration of the said period;

sub-division into
separate shares.

(g) if, during the currency of any period prescribed by sub-section (1), sub-section (2), or sub-section (3), the ownership of any land or building or portion thereof be subdivided into separate shares, the Commissioner may, if he thinks fit, on the application of any of the share-holders interested individually or collectively to the extent of one moiety or upwards, apportion the assessment on such land, building or portion among such share-holders according to the value of their respective shares, and such apportionment shall remain in force, and the consolidated rate shall be levied according to it, until the expiration of the said period.

Separate valuation
of land and huts in
case of a *bustee*.

150. For the purpose of levying the consolidated rate in the case of a *bustee*, the Commissioner shall cause the land contained within the *bustee* and the huts standing on it to be valued separately.

[Cf. 1899, s. 153.]

Valuation by
wards.

151. The Commissioner shall cause the valuation of lands and buildings in Calcutta, as prescribed by section 149, sub-section (2), or sub-section (3), to be carried out by wards as specified in Schedule III.

[Cf. 1899, s. 154.]

Power to Commissioner separately to
assess out-houses and
portions of buildings

152. The Commissioner may, in his discretion, assess any out-house appurtenant to a building, or any portion of a building, separately from such building or the other portions of such building, as the case may be; and, when any out-house or portion of a building is so separately assessed, the same shall, for the purposes of this Chapter, be deemed to be a separate building.

[Cf. 1899, s. 155.]

Returns and in-
spection for purpose
of valuation.

153. (1) The Commissioner may, by written notice, require the owner or occupier of any land or building to furnish him, within one week after the service of the notice, with returns of the measurements and of the rent or annual value of the land or building and with such other details affecting the rent or annual value as the Commissioner may specify in the said notice.

[Cf. 1899, s. 156.]

(2) Every owner and occupier on whom any such requisition is made shall be bound to comply with the same and to make a true return to the best of his knowledge or belief.

(3) The Commissioner, or any person authorized by him in this behalf, may inspect, survey and measure such land or building.

Public notice and
inspection of valua-
tions.

154. (1) When the valuation of the lands and buildings in any ward has been completed, the Commissioner shall cause the respective valuations to be

[Cf. 1899, s. 157.]

*(Part IV.—Chapter XI.—The Consolidated Rate.—
Clauses 155-158.)*

entered in a list and give public notice of the place where such list may be inspected.

(2) Such notice shall be by advertisement in local newspapers and also by placards posted up in conspicuous places throughout such ward.

(3) The Commissioner shall also cause a placard to be posted up in each *bustee*, showing separately for each building situated in the *bustee* the valuation assigned to it in the valuation list.

(4) The person having custody of the valuation list shall permit any person to inspect it and to make extracts from it.

(5) No fee shall be charged for any such inspection; but there shall be payable, by all persons other than owners or occupiers of land in the ward and their agents, a fee of one rupee in respect of each entry extracted.

Notice when valuation made for the first time or increased.

155. The Commissioner shall, in all cases in which any land, *bustee* or building, is for the first time valued, or in which the valuation of any land, *bustee* or building previously valued is increased, give special notice thereof to the owner or occupier of the same; and, when the valuation is so increased, the said notice shall contain a statement of the grounds of such increase. [Cf. 1899, ss. 158 and 159.]

Notice of objection to valuation.

156. (1) Any person who is dissatisfied with a valuation made under section 149 may deliver at the Municipal Office a written notice stating the grounds of his objection to such valuation. [Cf. 1899, s. 160.]

(2) Such notice shall be delivered within fifteen days after the publication of the notice referred to in section 154, or after receipt of the notice referred to in section 155, if such notice is received after the publication of the notice referred to in section 154.

Entry of objection and investigation thereof by Commissioner.

157. (1) All such objections shall be entered in a register to be maintained for the purpose; and, on receipt of any objection, notice shall be given to the objector of a time and place at which his objection will be investigated. [Cf. 1899, s. 161.]

(2) At the said time and place the Commissioner shall hear the objection, in the presence of the objector if he appears, or may, for reasonable cause, adjourn the investigation.

(3) When the objection has been determined, the order passed shall be recorded in the said register, together with the date of such order.

Appeal to Small Cause Court.

158. (1) Any person dissatisfied with the order passed on his objection may appeal to the Court of Small Causes having jurisdiction in the place where the land or building, to the valuation of which the objection was made, is situated. [Cf. 1899, s. 162.]

(2) Such appeal shall be presented to such Court of Small Causes within thirty days of the date of the order passed under section 157, and shall be accompanied by an extract from the register of objections containing the order objected to.

(Part IV.—Chapter XI.—The Consolidated Rate.—
Clauses 159-161.)

(3) The provisions of Parts II and III of the Indian Limitation Act, 1908, relating to appeals, shall apply to every appeal preferred under this section. IX of 1908.

(4) No appeal shall be admitted under this section unless an objection has first been determined under section 157.

Valuations when to be final.

159. (1) Every valuation made by the Commissioner under section 149 shall, subject to the provisions of sections 156, 157 and 158, be final. [Cf. 1899, s. 163.]

(2) Every order passed by the Commissioner under section 157 shall, subject to the provisions of section 158, be final.

(3) Every decision made by the Court of Small Causes under section 158 shall, subject to the provisions of section 6 of the Presidency Small Cause Courts Act, 1882, or section 25 of the Provincial Small Cause Courts Act, 1887, as the case may be, be final. XV of 1882.
IX of 1887.

Keeping of municipal assessment-book.

160. (1) The annual value fixed under this Chapter shall be entered in one or more books to be kept for the purpose at the Municipal Office, wherein shall also be recorded— [Cf. 1899, s. 164.]

- (a) the number of each premises;
- (b) the description of each premises;
- (c) the name and place of abode of the owner and the name of the occupier;
- (d) the amount of the valuation;
- (e) the amount payable quarterly on account of the consolidated rate;
- (f) the fact of exemption (if any) from payment of the said rate; and
- (g) such other particulars (if any) as the Commissioner may from time to time direct.

(2) The particulars mentioned in sub-section (1) may be contained in as many books as the Commissioner may from time to time determine, which shall together constitute the municipal assessment-book.

(3) When the name of the owner or occupier of any premises is not known, it shall be sufficient to designate him in the said assessment-book as "the owner" or "the occupier", as the case may be.

Entry of names of owners and occupiers in assessment-book.

161. (1) Any owner or occupier may at any time apply to the Commissioner to have his name entered as owner or occupier, as the case may be, in the assessment-book; and the Commissioner shall, unless there is sufficient reason to refuse such application, cause such name to be entered in the assessment-book: [Cf. 1899, s. 165.]

Provided that if such application is refused, the reason for the refusal shall be recorded in writing.

(2) Where there are gradations of owners or occupiers, and doubt exists as to who is entitled to have his name entered in the assessment-book as owner or occupier of the premises, the Commissioner shall determine which of the several owners or occupiers is so entitled, and his decision shall remain in force for the purposes of this Act unless and until it is set aside by the order of a competent Court.

(Part IV.—Chapter XI.—The Consolidated Rate.—
Clauses 162-165.)

(3) No owner or occupier whose name is not entered in the assessment-book shall be entitled to object that any bill, notice of demand, warrant or other notice of any kind required by this Act, to be served on the owner or occupier of any land or building has not been made out in his own name.

Notice of transfers of title when to be given.

162. (1) Whenever the title in any land or building, or in any part or share of any land or building, is transferred, both the transferor and the transferee shall, within three months after the execution of the instrument of transfer, or, if no such instrument be executed, after the transfer is effected, give notice in writing of such transfer to the Commissioner.

[Cf. Bom. Act III of 1888, s. 140.]

(2) In the event of the death of the person in whom such title vests, the person to whom, as heir or otherwise, the title of the deceased is transferred by descent or devise, shall, within one year from the death of the deceased, give notice in writing of such transfer to the Commissioner.

Power to Commissioner to amend assessment-book.

163. (1) Notwithstanding anything contained in section 159, the Commissioner may at any time amend the assessment-book—

[Cf. 1899, s. 168.]

- (a) by inserting therein the name of any person whose name ought, in his opinion, to be so inserted, or by inserting any land or building which is, in his opinion, liable to the consolidated rate, or by inserting a valuation when the land or building liable to be valued has not been valued; or
- (b) by striking out the name of any person, or by striking out any land or building which is, in his opinion, not liable to the consolidated rate, or by reducing the amount of any valuation:

Provided that, whenever it is proposed to make any amendment under clause (a), notice shall be given, to persons interested, of a day, not being less than fifteen days from the service of the notice, on which it is intended to make the amendment.

(2) If any amendment be made under clause (a), any person interested in such amendment may object by written application to the Commissioner, to be delivered at the Municipal Office three clear days before the day fixed in the said notice; and the provisions of sections 156 to 159 shall, with all necessary modifications, be deemed to apply to such objection.

Period for which revised valuations to continue in force.

164. When the valuation of any land or building is revised in consequence of an objection made under section 156 or section 163, sub-section (2), or an appeal is preferred under section 158, the revised valuation shall take effect from the quarter in which the first-mentioned valuation would have taken effect, and shall continue in force for the period for which the said first-mentioned valuation was made, and no longer.

[Cf. 1899, s. 169.]

Effect of entries in assessment-book.

165. (1) The assessment calculated on the valuation for the time being shown in the assessment-book shall be deemed to be the amount payable during the whole period for which the valuation is in force.

[Cf. 1899, s. 170.]

(Part IV.—Chapter XI.—The Consolidated Rate.—
Clauses 166-169.)

(2) When any amendment has been made in the assessment-book, such period shall be calculated—

(a) from the commencement of the quarter next succeeding that in which the notice of objection was delivered under section 156 or section 163, sub-section (2), or,

(b) if no such notice has been delivered, then from the commencement of the quarter next succeeding that in which such amendment was made :

Provided that the old valuation shall, notwithstanding that the period for which it was made may have expired, continue in force until the commencement of the quarter referred to in clause (a) or clause (b), as the case may be.

Payment and recovery of the Consolidated Rate.

Payment of consolidated rate.

166. One-half of the consolidated rate shall be payable by the owners of the lands and buildings, and the other half by the occupiers thereof; and each such instalment shall be payable on or before the fifteenth day of April, the fifteenth day of July, the fifteenth day of October and the fifteenth day of January for the quarters respectively commencing on the first day of each of those months. [Cf. 1899, s. 171.]

Recovery by owner from tenant in certain cases of part of the owner's share of the consolidated rate.

167. If the annual value of any land or building, as determined under this Chapter, exceeds in any case the amount of the rent payable to the owner for the land or building, [Cf. 1899, s. 172.]

the owner may in such case recover from the person who pays him rent the difference between the sum assessed as the owner's share of the consolidated rate in respect of such land or building and the sum at which such share would have been assessed had the land or building been valued only at the amount of rent actually payable to the owner,

and such difference shall be added to the rent and shall be recoverable as rent by the owner from the person liable for the payment of the rent.

Refund of owner's share of consolidated rate for period of vacancy.

168. When any land or building which has been assessed to the consolidated rate has remained unoccupied and unproductive of rent for a period of sixty or more consecutive days and a written notice of the facts has been given to the Commissioner, he shall— [Cf. 1899, s. 173.]

(a) remit one-half of the owner's share of the consolidated rate due on account of such period, or,

(b) if the whole of such share has been paid, refund, on application made therefor, one-half of such share.

Refund of occupier's share of consolidated rate.

169. Any person who has, in respect of any land or building which has been assessed to the consolidated rate, paid the occupier's share of such rate for the whole of any quarter, shall be entitled to a refund of the rate so paid for any period in that quarter during which he did not occupy such land or building: [Cf. 1899, s. 174.]

Provided that such person has given notice in writing of the facts to the Commissioner.

(Part IV.—Chapter XI.—The Consolidated Rate.—
Clauses 170-176.)

Notice under section 168 or section 169 when to be delivered.

170. Every notice referred to in section 168 or section 169 shall be given during the period for which the land or building is unoccupied and unproductive of rent, or during the period of the vacancy, as the case may be; and such period shall be calculated from the date on which such notice is delivered at the Municipal Office.

[Cf. 1899, s. 175.]

Application for refund when to be made.

171. No refund of any amount shall be made under section 168 or section 169 unless the same is applied for within six months from the date on which the amount was paid.

[Cf. 1899, s. 176.]

Notice of re-occupation when to be given.

172. Whenever any land or building which has been assessed to the consolidated rate and has been unoccupied is re-occupied, the person liable to pay the owner's share of the rate in respect of such land or building shall, within fifteen days from the date of re-occupation, give notice thereof in writing to the Commissioner.

[Cf. Bom. Act III of 1898, s. 152.]

Rate payable from date of re-occupation.

173. Whenever any land or building which has been assessed to the consolidated rate and has been unoccupied is re-occupied during any quarter, the occupier's share of the rate in respect of such land or building shall be payable from the date of such re-occupation.

[Cf. 1899, s. 177.]

Power to Commissioner to levy entire rate from owner in certain cases.

174. If any land or building is ordinarily occupied by more than one person holding in severalty, or is valued at less than two hundred rupees, the Commissioner may, notwithstanding anything contained in section 166, levy the entire consolidated rate from the owner of such land or building.

[Cf. 1899, s. 178.]

Recovery from occupier of portion of rate paid by owner under section 174.

175. When the entire consolidated rate is paid by the owner of any land or building under section 174, such owner may, if there be but one occupier of the building, recover from such occupier half of the rate so paid and may, if there be more than one occupier, recover from each occupier half of such sum as bears to the entire amount of rate so paid by the owner the same proportion as the value of the portion of the building in the occupation of such occupier bears to the entire value of such building.

[Cf. 1899, s. 179.]

Consolidated rate to be paid by owner of a *bustee*.

176. (1) Notwithstanding anything contained in section 166, the entire consolidated rate leviable upon a *bustee* shall, after deducting therefrom a sum equal to one-eighth of such rate, be paid by the owner of such *bustee*:

[Cf. 1899, ss. 180 and 182.]

Provided that if the owner of the *bustee* is also the owner of the huts therein, no such deduction shall be made.

(2) Whenever the consolidated rate is leviable upon a *bustee*, the owner of the land contained within such *bustee* may recover from the owner of each hut standing thereon—

(i) one-half of the consolidated rate payable in respect of the land on which the hut stands,

(ii) the entire consolidated rate payable in respect of the hut.

(Part IV.—Chapter XI.—The Consolidated Rate.—
Clauses 177-181.)

(3) The sum deducted under sub-section (1) shall be retained by the owner of the *bustee*—

(a) as a set-off against the expenses which may be incurred in collecting the portion of the rate recoverable under sub-section (2) from the owners of huts, and

(b) as a commutation of all refunds in respect of huts which are vacant or which may be removed or destroyed during the continuance of the period for which the rate is leviable.

Consolidated rate not payable on new or enlarged huts in a *bustee*.

177. The consolidated rate shall not be payable on account of any new huts built or any huts enlarged in a *bustee* during the year for which the valuation of the *bustee* remains in force under clause (a) of section 149.

[Cf. 1899, s. 181.]

Power to Corporation to exempt *bustees* from section 176.

178. With the sanction of the Corporation, the Commissioner may, by order, from time to time and for such period as may be specified in the order, except any *bustee* or any part of a *bustee* from the operation of section 176; and, while any such order is in force in respect of any *bustee* or part thereof, the other provisions of this Act as to the payment and recovery of the consolidated rate shall apply to such *bustee* or part.

[Cf. 1899, s. 184.]

Requisition for name of owner.

179. The Commissioner may, by written notice, require the occupier of any land or building to furnish him within fifteen days with the name and address of the owner of such land or building.

[Cf. 1899, ss. 166, 167 and 185.]

Occupier liable to owner's rate on failure to furnish owner's name and address.

180. If the occupier of any land or building refuses or neglects to comply with a notice served under section 179, he shall be liable to pay the rate payable by the owner on account of such land or building; and, on non-payment thereof, the Commissioner may recover the same by distress and sale of any movable property found on the land or in the building:

[Cf. 1899, s. 186.]

Provided that no arrear of the rate which has remained due from the owner of any land or building for more than one year shall be so recovered from the occupier thereof.

Payment of consolidated rate how affected by objections to valuation.

181. (1) When an objection to a valuation has been made under section 156, the consolidated rate shall, pending the final determination of the objection, be paid on the previous valuation.

[Cf. 1899, s. 187.]

(2) If, when the objection has been finally determined, the previous valuation is altered, then—

(a) any sum paid in excess shall be refunded or allowed to be set off against any present or future demand of the Corporation under this Act, and

(b) any deficiency shall be deemed to be an arrear of the consolidated rate and shall be payable and recoverable as such:

(Part IV.—Chapter XI.—The Consolidated Rate.—
Clause 181.)

Provided that—

(a) if any premises have, for the purposes of valuation under section 149, been subdivided or amalgamated with any other premises, and an objection to the valuation thereof has been made under section 156, then the consolidated rate shall, pending the final determination of the objection, be paid on such valuation; and

(b) if, when such objection has been finally determined, such valuation is reduced, and if the consolidated rate has already been paid thereon, then the sum paid in excess shall be refunded or allowed to be set off against any present or future demand of the Corporation under this Act.

(3) (a) Notwithstanding anything contained in this Chapter or in Chapter XVII, the amount of money due to the Corporation in lieu of the consolidated rate on account of buildings and lands, being the property of Government (other than those exempted under section 147), and beneficially occupied, shall be ascertained in the manner provided in clauses (b), (c) and (d) and shall be paid by the Government to the Corporation annually on presentation of a bill for the same. [Cf. Bom. Act III of 1908, s. 144.]

(b) The said rate shall be fixed by a person from time to time appointed in this behalf by the Local Government, with the concurrence of the Corporation.

(c) In determining such rate, the said person shall have a general regard to the provisions in this Act contained relating to the valuing of property assessable to the consolidated rate, and shall fix such amount as he shall deem to be fair and reasonable.

(d) The decision of the person so appointed shall hold good for a term of six years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in the Government materially increases or decreases, and the assessment shall thereafter be revised in the same manner at the termination of successive periods of six years.

(e) The consolidated rate paid on account of any Government building or land which was fixed under the Calcutta Municipal Act, 1899, shall continue to be paid for the unexpired portion of the period for which such consolidated rate was fixed under that Act. Bom. Act III of 1899.

(Part IV.)

CHAPTER XII.

TAX ON CARRIAGES AND ANIMALS.

Carriages and animals specified in Schedule VII.

Tax on carriages and animals specified in Schedule VII.

182. (1) A tax, at rates not exceeding those respectively prescribed in Schedule VII, shall be imposed upon all carriages and animals specified in that Schedule and kept in Calcutta, except—

[Cf. 1899, a. 183.]

- (a) carriages kept for sale by *bond fide* dealers in such carriages and not used for any other purpose;
- (b) carriages and animals belonging to the Government or the Corporation;
- (c) carriages and animals certified by the Commissioner or by the Commissioner of Police to be used by the owner thereof for municipal or police purposes;
- (d) tram-cars and animals employed in working street tramways;
- (e) horses referred to in section 25 of the Indian Volunteers Act, 1869; and
- (f) horses which any person exempted from the operation of any municipal tax by an order issued under section 3 of the Municipal Taxation Act, 1881, is bound by the regulations of the service to which he belongs, to keep.

XX of 1869.

XI of 1881

(2) The rates at which the said tax is to be imposed shall be determined annually in the Budget Estimate prepared under Chapter VIII.

Tax when payable.

183. The tax imposed under section 182 shall be payable half-yearly in advance.

[Cf. 1899, a. 183.]

Payment of tax on hackney-carriages and animals before registration.

184. The Registrar appointed under section 5 of the Calcutta Hackney-carriage Act, 1891, shall, before registering any hackney-carriage, satisfy himself that the tax imposed under section 182 upon such carriage and the animals used therefor has been duly paid—

[Cf. 1899, a. 180.]
Ben. Act II of 1891.

- (a) for the current half-year, and
- (b) for the last preceding half-year.

Obligation to furnish statements, and payment and remission of tax.

185. (1) The owner or the person in charge of any carriage or animal liable to the tax imposed under section 182 shall, before the first day of May and the first day of November in each year,—

[Cf. 1899, a. 181.]

- (a) forward to the Municipal Office a written statement, signed by him, containing a description of all carriages and animals owned by him or in his charge which are so liable, and
- (b) at the same time pay to the Corporation the tax payable for the current half-year in respect of the carriages and animals specified in such statement.

(Part IV.—Chapter XII.—Tax on Carriages and Animals.—Clauses 186-188.)

(2) Any person who becomes the owner or takes charge during any half-year of any carriage or animal liable to the tax imposed under section 182 shall, within one week of his so becoming owner or taking charge,—

(i) forward to the Municipal Office a statement of the kind mentioned in clause (a), and

(ii) at the same time pay to the Corporation the tax payable in respect of such carriage or animal for the whole of the said half-year :

Provided that the tax payable in respect of any carriage or animal shall not be levied twice for the same half-year.

(3) If the Commissioner is satisfied—

(i) that any carriage liable to such tax has not been used during the half-year, or

(ii) that any carriage or animal liable to such tax has been kept for only a portion of the half-year,

he may refund or remit the whole of the tax payable in respect of such carriage or animal for the said half-year or such portion of such tax as he may think fit.

(4) For the purposes of this section a livery stable-keeper shall be deemed to be the owner or to be in charge of every carriage or animal in his stables.

Power to Commissioner to occupier to furnish statements.

186. The Commissioner may from time to time, by written notice, require the occupier of any land or building to forward to him a statement, signed by such occupier, containing—

[Cf. 1899, s. 192.]

(1) the name and address of every person who owns or is in charge of any carriage or animal which is kept in or on such land or building and is liable to the tax imposed under section 182, and

(2) a description of all such carriages and animals.

Grant of license on payment of tax.

187. (1) When any person pays to the Corporation the amount of the tax imposed under section 182 which is payable in respect of all carriages and animals kept by him, the Commissioner shall grant him a license to keep such carriages and animals during the current half-year, and no longer.

[Cf. 1899, s. 193.]

(2) The Commissioner may at any time grant a similar license for any previous half-year for which no license has been taken out, on payment of the amount due for that half-year :

Provided that the production of such a license shall not afford a valid defence if the licensee is prosecuted for failing to take out a license within the time required by this Act.

Power to Commissioner to compound with livery stable-keepers, etc., for tax.

188. The Commissioner may, in his discretion, compound, for any period not exceeding one year, with any livery stable-keeper and other person keeping carriages for hire, or animals for sale or hire, for

[Cf. 1899, s. 194.]

(Part IV.—Chapter XII.—Tax on Carriages and Animals.—Clauses 189-191.)

a certain sum to be paid in respect of the carriages or animals so kept by such persons in lieu of the tax imposed thereon under section 182.

Power to Commissioner to require production of books and accounts by livery stable-keeper.

189. The Commissioner may, by written notice, require any person who carries on the trade or business of a livery stable-keeper to produce, for the inspection of the Commissioner, all books and accounts relating to such trade or business. [Cf. 1899, s. 195.]

Power to Commissioner to inspect any premises in pursuance of provisions of this Chapter, and to seize and dispose of carriages and animals.

190. (1) The Commissioner may inspect any stable, coach-house or other place for any of the purposes, or in pursuance of any of the provisions, of this Chapter. [Cf. 1899, s. 195.]

(2) If, on such inspection, he at any time finds any carriage or animal in respect of which no license has been obtained, the Commissioner—

(a) may, if the owner or person in charge of such carriage or animal is unknown, by written order, authorize any of the subordinate officers of the Corporation to take possession of such carriage or animal; and

(b) shall thereupon make such order as he may think fit respecting the custody of such carriage or animal.

(3) If any person, within the period of one month from the date of such order, establishes, to the satisfaction of the Commissioner, his claim to the possession of such carriage or animal, the Commissioner shall order it to be delivered to him on payment of the tax due, together with such costs as the Corporation have reasonably incurred in taking possession of and keeping the same.

(4) If no person within the said period satisfies the Commissioner that he is entitled to the possession of such carriage or animal, the Commissioner may—

(i) cause the same to be sold for the recovery of the tax and costs referred to in sub-section (3); and

(ii) order the sale-proceeds, after deducting therefrom the said tax and costs (together with the costs of the sale), to be paid to any person who, within six months from the date of such sale, establishes, to the satisfaction of the Commissioner, his claim to such proceeds.

Dogs.

Tax on dogs.

191. (1) A tax not exceeding two rupees *per annum* shall be imposed upon every dog kept in Calcutta.

(2) Such tax shall be payable yearly in advance, and the rate at which it is to be imposed shall be determined annually in the Budget Estimate prepared under Chapter VIII.

(3) The owner or person in charge of any dog liable to the tax imposed under sub-section (1) shall, before the first day of May in each year,—

(a) forward to the Municipal Office a list, signed by him, of all dogs owned by him or in his charge which are so liable, and

(Part IV.—Chapter XII.—Tax on Carriages and Animals.—Clause 192.)

(b) at the same time pay to the Corporation the tax payable for the current year in respect of every such dog.

(4) Any person who, in the course of any year, becomes the owner or takes charge of any dog shall, within one week of his so becoming owner or taking charge, furnish a like statement and pay to the Corporation the tax payable for that year in respect of such dog :

Provided that the tax payable in respect of any dog shall not be levied twice for the same year.

License and number-ticket for, and disposal of, dogs.

192. (1) When any person has paid to the Commissioner the tax payable in respect of any dog, the Commissioner shall—

(a) grant him a license to keep such dog during the current year, and

(b) provide him with a number-ticket, the number whereof shall be specified in the said license.

(2) The owner or person in charge of any dog so licensed shall at all times cause the said number-ticket to be kept attached to the collar or otherwise suspended from the neck of the dog.

(3) Any dog which has no such number-ticket for the then current year so attached or suspended—

(i) shall be presumed to be an unlicensed dog, and

(ii) may be seized by the police or by any person duly authorized by the Commissioner in this behalf, and detained until the tax due (if any) has been paid.

(4) If any person, within seven days from the date of such seizure, satisfies the Commissioner that he is the owner or keeper of such dog, the Commissioner shall order it to be delivered to such person on payment of the tax due (if any), together with the costs incurred by the Corporation in keeping the dog.

(5) If, within the said seven days, no person satisfies the Commissioner that he is the owner or keeper of the dog or pays the said tax and costs, the Commissioner may cause the dog, either—

(a) to be destroyed, or

(b) to be sold and the sale-proceeds, after deducting therefrom the said tax and costs (together with the costs of the sale) to be paid to any person who, within six months from the date of such sale, establishes, to the satisfaction of the Commissioner, his claim to such proceeds.

(Part IV.)

CHAPTER XIII.

TAX ON PROFESSIONS, TRADES AND CALLINGS.

Licenses to be taken out annually.

193. Every person who exercises or carries on in Calcutta, either by himself or by an agent or representative, any of the professions, trades or callings indicated in Schedule II, shall annually take out a license and pay for the same such fee as is mentioned in that behalf in the said Schedule: [Cf. 1899, s. 193.]

Provided that the grant of such a license shall not be deemed to affect the liability of the licensee to take out a license under any other section of this Act:

Provided also that the Commissioner may—

- (a) remit or refund any portion of the fee so payable in respect of the exercise or carrying on of any profession, trade or calling, if he is satisfied that the profession, trade or calling has been exercised or carried on for less than half the year only, or,
- (b) when any person is, in the Commissioner's opinion, unable to pay the fee due for a license, exempt him from liability to take out such license, or declare that he shall be entitled to take out a license under a lower class than that under which he is chargeable according to the said Schedule, or,
- (c) in any other case, exempt any person from liability to take out a license or declare that any person shall be entitled to take out a license under a lower class than before.

Grant and contents of licenses.

194. (1) Every license mentioned in section 193 shall, in addition to the particulars required by section 501, sub-section (1), specify— [Cf. 1899, s. 194.]

- (a) the profession, trade or calling in respect of which it is granted; and,
- (b) (if the license is a local license as defined in rule 2 of Schedule II), the place of business where the said profession, trade or calling is exercised or carried on.

(2) The Commissioner may at any time grant a license for any previous year for which no license has been taken out, on payment of the fee which would have been payable therefor in the first instance:

Provided that the production of such a license shall not afford a valid defence if the licensee is prosecuted for failing to take out a license within the time required by this Act.

(Part IV.—Chapter XIII.—Tax on professions, trades and Callings.—Clauses 195, 196.)

Liability and class
how to be determined.

195. The liability of any person to take out a license, and the class under which he shall be deemed bound to take out a license, shall be determined in accordance with the rules contained in Schedule II. ^[Cf. 1899, n. 200.]

Power to Commission-
er to require list
of persons.

196. The Commissioner may, by written notice, require the owner or occupier of any building or place of business to forward to him within seven days a list, signed by such owner or occupier, of the names of all persons exercising or carrying on any profession, trade or calling therein, and of their respective professions, trades and callings. ^[Cf. 1899, n. 201.]

(Part IV.)

CHAPTER XIV.

SCAVENGING-TAX.

License to be taken out half-yearly, and fee to be paid therefor.

197. Every person who exercises in Calcutta any of the callings indicated in Part I of Schedule VIII shall every half-year take out a license and pay for the same a fee, to be calculated—

[Cf. 1899, a. 203.]

- (a) according to the number of animals kept by him in the exercise of such calling, or,
- (b) in the case of the owner or occupier of a market, according to the average quantity of offensive matter and rubbish removed daily, as determined from time to time by the Commissioner,

at the rates mentioned in Part II of the said Schedule :

Provided that the Commissioner may remit or refund the whole or any portion of the fee so payable by any person in respect of any half-year if he is satisfied that such person himself removes the offensive matter and rubbish accumulating on his premises, or has exercised his said calling for a portion only of such half-year.

Grant and contents of licenses.

198. (1) Every license mentioned in section 197 shall, in addition to the particulars required by section 501, sub-section (1), specify—

[Cf. 1899, a. 204.]

- (a) the calling in respect of which it is granted and
- (b) the animals in respect of which it is granted or, in the case of a market, the average quantity of offensive matter and rubbish removed daily, as determined by the Commissioner.

(2) Every such license shall be taken out not later than the first day of June or the first day of December in each year, as the case may be.

(Part IV.)

CHAPTER XV.

TAX ON PETROLEUM.

Control by Corporation of storage and taxation of petroleum.

199. (1) The Corporation may, by notification in the *Calcutta Gazette* and with the previous sanction of the Local Government, prohibit the introduction into Calcutta, for the purpose of storage therein, of petroleum intended for consumption elsewhere. [cf. 1899, s. 208.]

(2) No person shall introduce petroleum into Calcutta in contravention of any notification published under sub-section (1).

(3) When any such notification has been published, a tax not exceeding four annas for every ten gallons may, with the sanction of the Local Government, be imposed, in the manner provided by Chapter VIII, on all petroleum introduced into Calcutta for consumption therein.

Confiscation of petroleum.

200. (1) All petroleum introduced into Calcutta in contravention of any notification published under section 199, sub-section (1), or of any by-law made under clause (2) of section 481, may be seized and confiscated. [cf. 1899, s. 207.]

(2) All petroleum confiscated under this section shall become the property of the Corporation.

(Part IV.)

CHAPTER XVI.

TAX ON CARTS.

Registration and numbering of carts.

201. (1) Every cart kept or used in Calcutta or the municipality of Howrah, except—

[Cf. 1899, ss. 208 and 210.]

- (a) carts which are the property of the Government,
- (b) carts which are the property of the Corporation of Calcutta or of the Commissioners of the Howrah or of any other municipality in the neighbourhood of Calcutta or Howrah, and
- (c) carts which are kept at any place more than eight miles distant from Government House and are only temporarily and infrequently used in Calcutta or the municipality of Howrah,

shall be registered at the Municipal Office with the name and residence of the owner, and shall have a number-plate, showing the number of such registration, affixed thereto in such manner as the Commissioner may direct.

(2) Such registration shall be made, and the said numbers assigned, half-yearly, upon such dates as the Commissioner may appoint in that behalf.

(3) No person shall keep or be in possession of a cart not duly registered under this Chapter.

(4) No owner or driver of a cart shall fail to affix thereto a number-plate as required by sub-section (1).

Fees for registration of carts.

202. (1) The fee payable for each registration under section 201 shall be as follows:—

[Cf. 1899, s. 209.]

	Rs.
(a) for every cart propelled by mechanical power;	24
(b) for every trailer (being a cart) drawn by a cart referred to in clause (a);	12
(c) for every other cart;	4

and an additional charge of one rupee shall also be payable in each case for the number-plate to be affixed to the cart or trailer:

Provided that, if such number-plate is returned to the Municipal Office in serviceable condition, the said additional charge shall be refunded or set off against the charge leviable for a new number-plate.

(2) The Commissioner may, in his discretion, remit any portion of the fee leviable under sub-section (1) in respect of any cart if he is satisfied that the same has been kept or used for a portion of the half-year only.

(3) When the ownership of any registered cart is transferred during any half-year, it shall be re-registered in the name of the person to whom it has been transferred; and a fee of four annas shall be paid for every such re-registration.

(Part IV.—Chapter XVI.—Tax on Carts.—Clauses 203-205.)

Registration of drivers of carts.

203. (1) The driver of every cart which has been registered under section 201 shall likewise be registered at the Municipal Office and shall have a number assigned to him.

(2) Such registration shall be made, and the said number assigned, half-yearly on the dates specified in section 201, sub-section (2).

(3) A fee of one rupee shall be payable by each driver so registered and an additional charge of one rupee shall also be payable in each case for a number-ticket to be carried by the said driver:

Provided that, if such number-ticket is returned to the Municipal Office in serviceable condition, the said additional charge shall be refunded or set off against the charge leviable for a new number-ticket.

(4) No person shall drive a registered cart unless he has been duly registered under this section and unless he carries his registration number-ticket in a conspicuous position on his person.

Division of proceeds of registration fees, etc.

204. After deduction of the costs incurred on account of the registration of carts and drivers and the supply of number-plates and tickets under this Chapter, the total net proceeds of the fees and charges received by the Corporation for such registration shall be divided between the Corporation of Calcutta and the Commissioners of the municipality of Howrah and such other municipalities in the neighbourhood of Calcutta or of the municipality of Howrah as the Local Government shall declare to be entitled to a share in such proceeds, in such proportion as the Local Government may from time to time determine. [Cf. 1899, c. 205(d).]

Seizure and sale of unregistered carts and application of proceeds of sale.

205. (1) If any person owns or keeps any cart not duly registered under this Chapter, the Commissioner may seize such cart, together with the animals (if any), drawing it, and detain the same in a place to be appointed by him in this behalf: [Cf. 1899, c. 211.]

Provided that no cart shall be so seized while conveying passengers or goods.

(2) If any cart or animals so seized be not claimed within ten days from the date of the seizure, it or they may be sold by auction by order of a Magistrate.

(3) The proceeds of such sale may be applied in defraying the expenses incurred on account of the seizure, detention and sale; and the surplus (if any), if not claimed within a period of twenty days from the date of such sale, shall be paid to the credit of the Municipal Fund.

(Part IV.)

CHAPTER XVII.

RECOVERY OF THE CONSOLIDATED RATE AND OTHER TAXES.

Saving of other Chapters.

206. The provisions of this Chapter shall be deemed to be in addition to, and not in derogation of, any powers conferred by or under other Chapters of this Act for the collection or recovery of the consolidated rate and other taxes. [Cf. 1899, s. 213.]

The Consolidated Rate.

Presentation of bills.

207. (1) When the consolidated rate or any instalment thereof is due, the Commissioner shall, with the least practicable delay, cause to be presented to the person liable a bill for the sum due. [Cf. 1899, s. 213.]

(2) Every such bill shall specify the period for which and the premises in respect of which the rate is charged.

(3) When any person is liable for the consolidated rate on account of more properties than one, the Commissioner may charge to him in one or several bills, as he may think fit, the several sums payable by him as such rate, on account of such properties :

Provided that if such person, by written notice to the Commissioner, requests to be furnished with separate bills for such sums, the Commissioner shall comply with such request in respect of all payments on account of the said rate for which such person becomes liable after receipt by the Commissioner of such notice.

Notice of demand.

208. (1) If the amount for which any bill has been presented under section 207 is not paid, within seven days from such presentation, into the Municipal Office or to a municipal officer appointed to receive the same, the Commissioner may cause to be served upon the person liable a notice of demand in the form in Schedule IX, or in a form to the like effect. [Cf. 1899, s. 214.]

(2) For every such notice of demand a fee of such amount, not exceeding one rupee as may in each case be fixed by the Commissioner, shall be payable by the said person, and the said amount shall be included in the costs of recovery.

Distrainment Calcutta.

209. (1) If the person liable for the payment of the consolidated rate does not, within seven days from the service of a notice of demand under section 208, pay the sum due, or show sufficient cause to the satisfaction of the Commissioner for non-payment of the same, [Cf. 1899, s. 215.]

such sum, with all costs of recovery, may be recovered under a warrant in the form in Schedule X, or in a form to the like effect, to be issued by the Commissioner—

(a) by distress and sale of any movable property belonging to such person, or,

(b) if such person be the occupier of any premises in respect of which the sum is due, by distress and sale of any movable property found on the said premises :

(Part IV.—Chapter XVII.—Recovery of the Consolidated Rate and other Taxes.—Clauses 210-215.)

Provided that, when the premises in respect of which the default is committed are a place of business, and the movable property distrained under clause (b) is shown to the satisfaction of the Commissioner to have been left there (by some person other than the person referred to in that clause) for repairs or safe custody in the ordinary course of business, it shall be released.

(2) The movable property of any person liable for the payment of any sum, for the recovery of which a warrant has been issued under sub-section (1), may be distrained wherever the same may be found in Calcutta.

(3) For every warrant issued under this section, a fee shall be charged at the rate mentioned in that behalf in Schedule XI, and the amount of the said fee shall be included in the costs of recovery.

Power to Commissioner to remit certain fees.

210. The Commissioner may, in his discretion, remit the whole or any part of any fee chargeable under section 208, sub-section (2), or section 209, sub-section (3). [Cf. 1899, s. 216.]

Power to officer specially authorized to break open door or window.

211. Any officer charged with the execution of a warrant of distress issued under section 209, may, under the special written order of the Commissioner, between sunrise and sunset break open any outer or inner door or window of a building in order to make the distress— [Cf. 1899, s. 217.]

(a) if he has reasonable ground for believing that such building contains property which is liable to such distress, and

(b) if, after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer shall not enter, or break open the door of, any apartment appropriated to the use of females, until he has given not less than three hours' notice of his intention and has given such females an opportunity to withdraw.

Officer executing warrant to make inventory and notice of sale.

212. The officer charged with the execution of a warrant of distress issued under section 209, shall forthwith make an inventory of the movable property which he seizes under such warrant, and shall at the same time give a written notice, in the form in Schedule XII, or in a form to the like effect, to the person in possession thereof at the time of seizure, that such property will be sold as therein mentioned. [Cf. 1899, s. 218.]

Power to said officer to take away property if forcible removal apprehended.

213. If there is reason to believe that any property seized under a warrant of distress issued under section 209 is likely, if left in the place where it is found, to be removed by force, the officer executing the warrant may, under the special written order of the Commissioner, take it to the Municipal Office or to any place appointed by the Commissioner. [Cf. 1899, s. 219.]

Distresses to be proportionate to sum distrained for.

214. The amount of property seized in any distress made under this Act shall not be disproportionate to the amount of the arrears due. [Cf. 1899, s. 220.]

Sale and disposal of proceeds.

215. (1) If a warrant of distress issued under section 209 is not in the meantime suspended by the Commissioner or discharged, the movable property seized thereunder shall, after the expiry of the period [Cf. 1899, s. 221.]

(Part IV.—Chapter XVII.—Recovery of the Consolidated Rate and other Taxes.—Clauses 216-218.)

mentioned in the notice served under section 212, be sold by order of the Commissioner.

(2) All sales of property under this section shall, so far as may be practicable, be regulated by the procedure for the time being in force in the Court of Small Causes of Calcutta with respect to sale after distress.

(3) No municipal officer or servant shall directly or indirectly purchase any property at any such sale.

(4) The Commissioner shall apply the proceeds of every such sale, or such part thereof as shall be requisite, in discharge of the sum due and of the costs of recovery.

(5) The surplus (if any) of such proceeds shall be forthwith credited to the Municipal Fund; but, if the same be claimed by written application to the Commissioner within three years from the date of the sale, a refund thereof shall be made to the person who was in possession of the movable property at the time of its seizure.

(6) Any such surplus not so claimed shall be the property of the Corporation.

Power to Commissioner to issue fresh warrant when sale-proceeds insufficient.

216. (1) If the proceeds of any sale under section 215 are not sufficient to cover the sum due, together with the costs of recovery, the Commissioner may issue a fresh warrant of distress in the form in Schedule X, or in a form to the like effect, for the recovery of the balance due and for all additional costs thereof.

(2) The provisions of sections 209 to 215, inclusive, shall, with all necessary modifications, be deemed to apply whenever a warrant is issued under sub-section (1).

Recovery of owner's share of rate from occupier, or his sub-tenants, and deduction of amount from rent.

217. (1) If the sum due from the owner of any land or building on account of the consolidated rate remains unpaid after notice of demand has been duly served upon him, the Commissioner may cause a notice of demand to be served upon the occupier of such land or building, or upon any of his sub-tenants for the time being thereof. [Cf. 1899, a. 222.]

(2) If such occupier or any of such sub-tenants fails within fifteen days from the service of such notice to pay the amount therein demanded, the said amount may be recovered from him by distress and sale under the provisions of this Chapter.

(3) No arrear of the owner's share of the consolidated rate shall be recovered from any occupier or sub-tenant under this section if it has remained due for more than one year or if it is due on account of any period during which such occupier or sub-tenant was not in occupation of the land or building in respect of which the rate is due.

(4) If any sum is paid by or recovered from any occupier or sub-tenant of any land or building under this section, he shall be entitled to deduct the same from the rent payable by him in respect of such land or building for the period for which the arrear of consolidated rate was due, or for any subsequent period.

Liability of purchaser for vendor's share of consolidated rate.

218. The purchaser of—

- (a) any land or building, or,
- (b) any share, divided or undivided, in any land or building,

[Cf. 1899, a. 228.]

(Part IV.—Chapter XVII.—Recovery of the Consolidated Rate and other Taxes.—Clauses 219-221.)

in respect of which any sum is due at the time of the purchase on account of the owner's share of the consolidated rate, shall be liable for the said sum :

Provided that such purchaser shall not be liable for any sum so due for any period exceeding one year prior to the date of the purchase.

Execution of
distress warrant
outside Calcutta.

219. (1) When a warrant of distress has been issued against any person under section 209 or section 216— [Cf. 1899, s. 224.]

- (a) if no sufficient movable property belonging to the said person can be found in Calcutta, or,
- (b) when the said person is the occupier of premises in respect of which the consolidated rate is due, if no sufficient movable property can be found on such premises,

the Commissioner may issue a warrant, to any Magistrate in Bengal without Calcutta, for the distress and sale of any movable property belonging to the said person within the jurisdiction of such Magistrate.

(2) Any Magistrate to whom a warrant is so issued shall—

- (i) endorse the same and cause it to be executed, and
- (ii) remit the proceeds of the sale under such warrant to the Commissioner.

(3) Such proceeds shall be dealt with under the provisions of section 215.

Distraint not unlawful for want of form.

220. No distress levied under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of— [Cf. 1899, s. 225.]

- (a) any defect or want of form in the notice, summons, notice of demand, warrant of distress, inventory or other proceeding relating thereto, or
- (b) any irregularity committed by the said person :

Provided that any person aggrieved by such defect or irregularity may recover, in any Court of competent jurisdiction, full satisfaction for any special damage sustained by him.

Power to Commissioner to take summary proceedings against persons about to leave Calcutta.

221. (1) If the Commissioner at any time has reason to believe that any person from whom any sum is due on account of the consolidated rate is about forthwith to remove from Calcutta, the Commissioner may direct the immediate payment by such person of the sum so due and cause a bill for the same to be presented to him. [Cf. 1899, s. 226.]

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due by him, the amount shall be leviable by distress and sale under the provisions of this Chapter :

Provided that—

- (a) it shall not be necessary to serve upon the said person any notice of demand, and

(Part IV.—Chapter XVII.—Recovery of the Consolidated Rate and other Taxes.—Clauses 222-226.)

(b) the warrant of distress may be issued and executed without any delay.

Power to Commissioner to sue for arrears.

222. It shall be competent to the Commissioner, instead of proceeding against a defaulter by distress and sale under the provisions of this Chapter, or after a defaulter has been so proceeded against unsuccessfully or with only partial success, to recover from him by suit, in any Court of competent jurisdiction, any sum due, or the balance of any sum due, as the case may be, on account of the consolidated rate, together with all costs. [Cf. 1899, s. 221.]

The consolidated rate to be a first charge on premises.

223. The consolidated rate due from any person in respect of any land or building shall, subject to the prior payment of the land-revenue (if any) due to the Government thereupon, be a first charge upon the said land or building and upon the movable property (if any) found within or upon such land or building and belonging to the said person. [Cf. 1899, s. 222.]

Other taxes.

Power to Commissioner to prosecute or serve notice of demand.

224. (1) When any sum is due from any person on account of— [Cf. 1899, s. 223.]

- (a) the tax on carriages and animals,
- (b) the tax on professions, trades and callings, or
- (c) the scavenging-tax,

the Commissioner may either prosecute such person under section 495 or cause to be served on him a notice of demand in the form in Schedule IX or in a form to the like effect.

(2) The provisions of section 208, sub-section (2), section 210 and clause (a) of section 220 shall, with all necessary modifications, be deemed to apply to every such notice of demand.

Election by defaulter to pay or to appear before Magistrate or Commissioner.

225. Within seven days after the service on any person of a notice of demand under section 224, such person may— [Cf. 1899, s. 224.]

- (a) pay the sum demanded together with any fee imposed under section 208, sub-section (2), or
- (b) send a letter to the Commissioner, enclosing the sum demanded and electing to be prosecuted under section 495, or
- (c) appear before the Commissioner, personally or by agent, and contest the demand.

Procedure by Commissioner after election by defaulter under section 225.

226. (1) If any person adopts the procedure provided by clause (b) of section 225, he shall be prosecuted as therein mentioned, [Cf. 1899, s. 225.]

and the sum deposited under that clause shall be deducted from the amount of any fine imposed under section 495.

(2) If he contests the demand in pursuance of clause (c) of section 225, the decision of the Commissioner, after hearing anything that may be urged by him or on his behalf, shall be final;

and if the Commissioner finds that the whole amount of the demand is due, he may, by way of penalty for previous failure to pay such amount.

(Part IV.—Chapter XVII.—Recovery of the Consolidated Rate and other Taxes.—Clauses 227-231.)

increase the same by any sum not exceeding fifty per cent. thereof.

Power to Commissioner to increase penalty where defaulter does not appear before Magistrate or Commissioner.

227. If, within seven days after the service on any person of a notice of demand under section 224, the said person has not taken any of the courses permitted by section 225, the Commissioner may, by way of penalty for previous failure to pay the amount due, increase the same by any sum not exceeding fifty per cent. thereof. [Cf. 1899, a. 232.]

Distrain.

228. (1) If, in any case referred to in section 226, sub-section (2), or section 227, the amount of the demand, together with the amount of any penalty imposed thereunder, be not forthwith paid by the person liable to pay the same, [Cf. 1899, a. 233.]

such amount may, with all costs of recovery, be recovered under a warrant in the form in Schedule X, or in a form to the like effect, by distress and sale of the movable property of such person.

(2) The provisions of sections 209 to 216 and sections 219 to 221, inclusive, shall, with all necessary modifications, be deemed to apply whenever a warrant is issued under sub-section (1).

Power to Commissioner to seize hawkers' goods.

229. (1) Notwithstanding anything contained in the foregoing sections of this Chapter, if any person included under Class VI, number 55, or Class VII, number 57, in Schedule II, fails to take out a license under section 193, the Commissioner may cause the goods, which such person is hawking for sale, to be seized. [Cf. Bom. Act III of 1898, s. 214.]

(2) Any goods so seized shall be dealt with, under the provisions of this Chapter, as property distrained under section 209.

Supplemental Provisions.

Taxes not invalid or defect of form.

230. (1) No assessment and no charge or demand of the consolidated rate or any other tax made under this Act shall be called in question or in any way affected by reason of— [Cf. 1899, a. 234.]

(a) any mistake—

(i) in the name, residence, place of business or occupation of any person liable to pay the tax, or

(ii) in the description of any property or thing liable to the tax, or

(iii) in the amount of assessment of tax, or

(b) any clerical error, or

(c) any other defect of form.

(2) It shall suffice in the case of any such tax on property, or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known,

and it shall not be necessary to name the owner or occupier thereof.

Cancellation of irrecoverable dues.

231. The Corporation may order to be struck off the books any sum due on account of the consolidated rate or any other tax which may appear to them to be irrecoverable, [Cf. 1899, a. 235.]

and the Commissioner may similarly order to be struck off the books any sum due to the Corporation on any other account, if it appears to him that the same is irrecoverable.

PART V.

THE PUBLIC HEALTH, SAFETY AND CONVENIENCE.

CHAPTER XVIII.

WATER-SUPPLY.

Proprietary rights of the Corporation.

Public water-works, etc., vested in the Corporation.

232. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, taps and other water-works, whether made, laid or erected at the cost of the Municipal Fund, or otherwise, and all bridges, buildings, engines, works, materials and things, connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall be vested in the Corporation. [Cf. 1899, s. 230.]

General duties of the Municipal Authorities in respect of the supply of water.

Corporation to provide supply of filtered and unfiltered water.

233. The Corporation shall provide— [Cf. 1899, s. 237.]

(a) a supply of filtered water in all parts of Calcutta, and

(b) a supply of unfiltered water—

(i) in those parts of Calcutta in which such water is provided at the commencement of this Act, and

(ii) in such other parts of Calcutta as they may think fit.

Bathing platforms and public stand-posts.

234. (1) The Corporation shall erect sufficient and convenient bathing platforms and public stand-posts for the supply, free of charge, of filtered water for bathing and other domestic purposes. [Cf. 1899, ss. 238 and 239.]

(2) All such bathing platforms and stand-posts shall be supplied with a sufficient quantity of filtered water.

Hydrants, etc., for street-watering, etc.

235. On all distribution pipes in the unfiltered water system and, if the Corporation so direct, also in the filtered water system, the Commissioner shall provide suitable hydrants for street-watering, fire-extinguishing, washing down hackney-carriage stands, and flushing street-gullies, together with such sluices, branches and appliances as may be necessary for the efficient flushing of the municipal drains. [Cf. 1899, s. 240.]

(Part V.—Chapter XVIII.—Water-supply.—Clauses
236-240.)

Pressure of supply.

236. The pressure of the supply of filtered water in the municipal mains in Calcutta shall continuously be not less than forty feet; [Cf. 1899, s. 242.]

and the pressure of the supply of unfiltered water shall likewise be not less than forty feet, except during those hours when the pressure is locally reduced by street-watering, drain-flushing or extinguishing fire:

Provided that the Corporation may authorize a lower pressure in any case in which they may consider it impracticable to secure a pressure of forty feet.

Testing of purity of filtered water.

237. It shall be the duty of the Commissioner to test the purity of the supply of filtered water once every week and to lay the result before the Corporation. [Cf. 1899, s. 243.]

Use of water.

Use of filtered water.

238. (1) Subject to the provisions of sections 248 and 250, filtered water shall be supplied for domestic purposes only. [Cf. 1899, ss. 244 and 245.]

(2) No person shall, without the written permission of the Commissioner, use for other than domestic purposes filtered water supplied under this Chapter for the said purposes:

Provided that, in case of emergency, filtered water may be used for extinguishing fire.

Use of unfiltered water.

239. (1) Unfiltered water shall be used for public purposes, such as— [Cf. 1899, s. 246.]

- (a) street-watering,
- (b) flushing of municipal drains, public privies and urinals, gully pits and hackney-carriage stands, and
- (c) extinguishing fire;

and shall also be used for such other purposes as the Corporation may direct.

(2) Unfiltered water may also be used, free of charge,—

- (i) for flushing privies and urinals on private premises connected with the sewers, and
- (ii) for flushing drains on private premises and for cleansing stables, cattle-sheds and cow-houses occupied by animals which are not kept for profit or hire.

(3) Unfiltered water shall not be used for domestic purposes.

Power to Commissioner to cut off filtered water supplied for other than domestic purposes.

240. Where filtered water is supplied to any person for any purpose other than a domestic purpose, the Commissioner may at any time cut off such supply. [Cf. 1899, s. 247.]

(Part V.—Chapter XVIII.—Water-supply.—Clauses 241-244.)

Private supply of water to premises.

Right of occupier of connected premises to receive water in consideration of payment of the consolidated rate.

241. The occupier of any premises connected with the municipal water-supply shall be entitled to have, free of further charge, not more than fifteen hundred gallons of filtered water for every rupee paid to the Corporation as the consolidated rate on account of such premises, together with a sufficient supply of unfiltered water for flushing privies, urinals and drains within the premises and for cleansing stables, cattle-sheds and cow-houses within the premises which are occupied by animals not kept for profit or hire:

[Cf. 1899, s. 248.]

Provided that—

(a) in no masonry building directly connected with the municipal water-supply shall the free allowance of filtered water be less than twenty, or more than fifty, gallons per head per day, calculated upon the ordinary number of inmates of the building, as determined by the Commissioner; and

(b) if, under the provisions of this Chapter, the Corporation at any time permanently discontinue the unfiltered water-supply, the Local Government may fix such larger free allowance of filtered water per day, in lieu of the supply of unfiltered water, as they may think fit.

Power to Commissioner to allow occupier of premises to lay down service-pipes.

242. Whenever he considers it practicable and consistent with the efficient maintenance of the municipal water-supply to do so, the Commissioner may allow any person occupying any premises to lay down service-pipes from the mains of the Corporation for the purpose of bringing into the premises a supply of filtered and unfiltered water for use therein under the provisions of this Chapter.

[Cf. 1899, s. 249.]

Requisition by occupier of masonry building on owner to provide works for supply of water.

243. (1) Any occupier of a masonry building who holds the same direct from the owner may, by written notice signed by him, require the owner to provide all such necessary works as may be required for bringing into the premises within which such building is situate a sufficient supply of filtered water for domestic purposes and a sufficient supply of unfiltered water for the purposes specified in section 239, sub-section (2).

[Cf. 1899, s. 250.]

(2) Every such notice shall contain an undertaking on the part of the occupier—

(a) to pay, during the residue of his term of occupation, interest at the rate of one *per cent. per mensem*, calculated from the date of the completion of the works, on the cost of all works so provided by such owner, and,

(b) if the premises do not abut upon some street in which there is a supply-main, to pay the cost of connecting the premises with the nearest supply-main.

Provision or completion of works by occupier in default of owner, and deduction of expenses from rent.

244. If any owner upon whom a notice has been served under section 243 does not, within one month from such service, cause all necessary works, as required by the said notice, to be provided or completed, the occupier who gave the notice may cause the works to be provided or completed,

[Cf. 1899, s. 251.]

(Part V.—Chapter XVIII.—Water-supply.—Clauses 245-248.)

and may deduct from the rent payable by him to such owner the expenses incurred by him in respect of such works, except so much of such expenses as may have been incurred under the circumstances mentioned in clause (b) of the said section 243.

Arbitration in case of difference between owner and occupier.

245. (1) If there is any difference between the owner and the occupier of any premises respecting the cost or the sufficiency of the water-supply thereof, either party may refer such difference to the Commissioner, and the written award of the Chief Engineer or of any officer authorized by the Commissioner in that behalf, shall be binding on such owner and occupier. [Cf. 1899, s. 282.]

(2) There shall be payable to the Corporation, by the person making a reference under sub-section (1), a fee at the rate of two rupees for every one hundred rupees of the monthly rent of the said premises:

Provided that such fee shall in no case exceed ten rupees.

Power to Commissioner to direct owner to obtain sufficient supply of water from nearest main.

246. Whenever it appears to the Commissioner that any premises are without a sufficient supply of water and that such a supply of water can be furnished from a main not more than one hundred feet distant from the nearest part of such premises, the Commissioner may, by written notice, require the owner to obtain such supply and for that purpose to lay down such pipes, hydrants, stand-posts and other fittings and execute all such other works as the Commissioner may direct: [Cf. 1899, s. 283.]

Provided that—

- (a) in any case in which the owner satisfies the Commissioner that he is too poor to bear the cost of the said works, the Commissioner may pay the whole or any part of such cost from the Municipal Fund; and
- (b) if any premises in respect of which any notice is issued under this section are occupied by a person other than the owner, the occupier shall be bound, if the Commissioner so directs, to make to the owner, in respect of all works executed in pursuance of such notice, the payments prescribed by clause (a), or clauses (a) and (b), as the case may be, of section 243.

Water-supply not to be directly connected to huts.

247. Notwithstanding anything contained in the foregoing sections of this Chapter, the municipal water-supply shall not be directly connected to any hut, but a sufficient supply of unfiltered water shall be provided for the flushing of any connected-privy attached to a hut.

Power to Commissioner to sell water for other than domestic purposes.

248. (1) The Commissioner may, in his discretion, supply filtered or unfiltered water for any purpose other than a domestic purpose, on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed: [Cf. 1899, s. 284.]

Provided that where, in the opinion of the Commissioner, the supply of unfiltered water might

(Part V.—Chapter XVIII.—Water-supply.—Clauses 249-252.)

possibly lead to contamination, only filtered water shall be supplied—

- (a) for use by persons who manufacture articles for consumption by human beings, or
- (b) for cow-houses where cows are kept for the purpose of supplying milk for sale.

(2) For all water supplied under sub-section (1), payment shall be made at such rate as may be prescribed by the Corporation.

(3) When any application under sub-section (1) is received, the Commissioner may, subject to such charges or rates as may have been fixed by the Corporation, place, or allow to be placed, the necessary service-pipes, taps and works (including water-meters), of such dimensions and character as may be prescribed by the Corporation, and may arrange for the supply of water through such pipes, taps, works and meters.

Supply of water to ships.

Supply of filtered water to ships.

249. (1) Filtered water from public stand-posts may be used, free of charge, for domestic purposes on ships for the time being lying at the jetties or in the docks of the Commissioners for the Port of Calcutta. [Cf. 1899 s. 255.]

(2) The Commissioner shall, on demand, supply every ship leaving the jetties or the docks of the Commissioners for the Port of Calcutta with a reasonable quantity of filtered water for use on the voyage, at such price, not exceeding five rupees for every thousand gallons, as the Corporation may determine.

Discontinuance of unfiltered water-supply.

Power to Corporation to discontinue supply of unfiltered water.

250. Notwithstanding anything contained in this Act, the Corporation may, with the sanction of the Local Government, discontinue the supply of unfiltered water in any part of Calcutta:

Provided that where the supply of unfiltered water is so discontinued—

- (a) filtered water may be used for non-domestic purposes and for the purposes mentioned in section 239, and
- (b) a sufficient quantity of filtered water shall, subject to the provisions of section 241, be supplied for all such purposes, in lieu of the unfiltered water discontinued as aforesaid.

Private connections of premises to the water-supply and maintenance thereof.

Rules as to private connections to premises.

251. All private connections of premises to the municipal mains for the supply of water therein, and all pipes, taps and other fittings used for such supply, shall be made, maintained and regulated in accordance with, and subject to, the rules contained in Schedule XIII.

Owner to keep works in repairs.

252. Except in the case of a special agreement to the contrary, the owner of any premises shall bear the expense of keeping all works connected with the supply of water thereto in substantial repair; and, if he fails to do so, the occupier may, after giving the owner three days' notice in writing, himself have the [1899, s. 255.]

*(Part V.—Chapter XVIII.—Water-supply.—Clauses
253-256.)*

repairs executed and deduct the expenses thereof from any rent which is due from him to the owner in respect of such premises:

Provided that nothing in this section shall affect the liabilities of parties under leases executed or made before the first day of April, 1889.

Power to Corporation to take charge of private connections.

253. The Corporation may, if they think fit, take charge of all communication-pipes and fittings of any existing private water-works connected with the municipal water-supply up to and including the stop-cock nearest the supply-main for the said works, and such communication-pipes and fittings shall thereafter vest in, and be maintained at the expense of, the Corporation as municipal water-works.

[*Cf. Bom. Act III of 1888, s. 273.*]

Regulation of consumption of water, and provision of meters.

Prevention of waste of filtered water in premises.

254. (1) Whenever the Commissioner has reason to believe that the filtered water-supply to any premises is being wasted, he may, by written notice, require the owner and occupier of the premises, within a period of four days after service of the notice, to repair and make good any defects in the pipes, taps or fittings connected with the water-supply, so as to put a stop to such waste.

[*Cf. 1899, s. 260.*]

(2) If any notice issued under sub-section (1) is not complied with and the Commissioner has reason to believe that waste still continues, he shall cause to be served on the said owner and occupier a further notice informing them that if the first notice be not complied with within a further period of three days the supply of filtered water to the said premises will be cut off.

(3) If, after the expiration of the said period of three days, the Commissioner has reason to believe that waste still continues, he shall cut off the supply of filtered water to the said premises.

Power to Commissioner to provide water-meters.

255. (1) The Commissioner may, in his discretion, provide a water-meter and attach the same to the service-pipe of any premises connected with the municipal filtered water-supply.

[*Cf. 1899, s. 270.*]

(2) The expense of providing and attaching a meter under sub-section (1) shall be paid out of the Municipal Fund.

Payment by occupier for filtered water supplied in excess of statutory allowance.

256. (1) When a meter has been attached to any premises, all filtered water which is shown thereby to have been supplied in excess of the free allowance to which the occupier is entitled under section 241 shall be paid for by him at the rate of one rupee for every three thousand gallons.

[*Cf. 1899, s. 271.*]

(2) The said free allowance shall be calculated on the amount of the consolidated rate payable quarterly, and the Commissioner may cause the meter to be read at any time during each quarter, but as nearly as practicable at intervals of three months:

Provided that if, during any quarter, the assessment of such premises is altered, the said free allowance shall be calculated on the consolidated rate payable on the assessment as altered.

(3) If such premises are ordinarily occupied by two or more persons holding in severalty, the owner shall be liable for water supplied in excess as referred

(Part V.—Chapter XVIII.—Water-supply.—Clauses 257-260.)

to in sub-section (1); but such owner shall be entitled to recover rateably from the several occupiers any amount so paid.

(4) In any other case, if any premises change hands during any quarter, the last occupier shall be liable for any excess so supplied during the quarter, unless, not less than three days before the date of his occupation, he causes a written notice to be served upon the Commissioner in which—

(a) the date upon which such occupation is to commence is stated, and

(b) the Commissioner is required to cause the meter to be read on the said date.

(5) Upon receipt of such notice the Commissioner shall cause the meter to be read, and the previous occupier shall be liable for any such excess over the quantity to which he is entitled under section 241 in accordance with the proportion of the consolidated rate payable up to the date of the reading of the meter, or according to the number of the inmates of the said premises up to such date, as the case may be.

Presumption as to correctness of meter.

257. Whenever water is supplied under this Chapter through a meter, it shall be presumed that the quantity indicated by the meter has been consumed until the contrary is proved.

[1899, s. 278.]

Rules as to meters.

258. The use, maintenance and testing of meters provided under this Chapter, and the calculation of the amount payable under section 256 in case of the incorrectness of any such meter, shall be in accordance with, and subject to, the rules contained in Schedule XIII.

Occupier of premises to be primarily liable for certain offences relating to water-supply.

259. (1) If it be shown that an offence against any provision of this Chapter, or against any rule or by-law made under this Act relating to water-supply, has occurred in any premises connected with the municipal water-supply, it shall, subject to the provisions of sub-section (2), be presumed, unless and until the contrary is proved, that such offence has been committed by the occupier of the said premises.

[*cf.* Bom. Act III of 1888, s. 286.]

(2) The existence of artificial means for—

(a) altering the index to any meter provided under this Chapter for measuring filtered water, or

(b) preventing any such meter from duly registering the quantity of water supplied, or

(c) abstracting or using water before it has been registered by such meter

[*cf.* 1899, s. 276 (2).]

shall, where the meter is under the custody or control of the consumer of such water, be *prima facie* evidence that the consumer has fraudulently caused such alteration, prevention, abstraction or use.

Supply of water for use beyond Calcutta.

Supply of filtered water to adjacent municipalities and cantonments.

260. (1) The Corporation may at any time, on receiving an application from the municipality or cantonment concerned, direct, by resolution, that such quantity of filtered water *per diem* as may be specified

[*cf.* 1899, s. 279.]

(Part V.—Chapter XVIII.—Water-supply.—Clauses
261, 262.)

in the resolution shall be delivered into reservoirs or pipes placed in—

(a) any of the following municipalities or cantonments, namely :—

Municipalities :

Baranagar,	North Dum-Dum,
Cossipur-Chitpur,	Panihati,
Garden Reach,	South Barrackpur,
Garulia,	South Dum-Dum,
Kamarkhati,	South Suburban,
Maniktola,	Titagarh,
North Barrackpur,	Tollyganj;

Cantonments :

Barrackpur, | Dum-Dum; or

(b) any municipality which is hereafter formed by subdividing any municipality mentioned in clause (a), or by uniting into one municipality any of the municipalities mentioned in that clause;

and that for all water so delivered payment shall be made at such rate, not being less than the actual cost to the Corporation, as may be prescribed in such resolution.

(2) An appeal shall lie to the Local Government from any refusal by the Corporation to pass any such resolution, or from any direction given by the Corporation in any such resolution.

(3) Before deciding any such appeal, the Local Government shall consider any representation made by the Corporation with reference thereto.

(4) No order made on any such appeal shall direct the delivery of water at a lower rate of payment than the actual cost to the Corporation.

(5) Every order made by the Local Government on any such appeal shall be final.

Supply of water to persons residing out of Calcutta or for use without Calcutta.

261. (1) Subject to any rules from time to time made by the Corporation in this behalf, the Commissioner may, in his discretion, allow any person not residing in Calcutta to take or be supplied with water on such terms as the Corporation may from time to time prescribe. [Cf. 1899, s. 279.]

(2) No person shall, without the written permission of the Commissioner, take or cause to be taken for use without Calcutta water supplied under this Chapter :

Provided that this sub-section shall not apply to water taken by travellers for use on a journey.

Power to extend this Chapter to neighbourhood of Calcutta.

262. (1) If the Local Government determine that any area in the neighbourhood of Calcutta shall be included in the water-supply provided for by this Chapter, they may, by notification in the *Calcutta Gazette*, extend this Chapter or any portion thereof, together with any other portion of this Act which relates thereto, to such area. [Cf. 1899, s. 280.]

(2) In any such notification the boundaries of such area shall be defined, and the said notification shall take effect one month after the date of its publication in the *Calcutta Gazette*.

(Part V.—Chapter XVIII.—Water-supply.—Clauses 263, 264.)

(3) When any portion of this Act has been so extended to any area, all expenses and compensation which, under this Act, may be ascertained and determined by a Court of Small Causes may be ascertained and determined by any Court of Small Causes having jurisdiction within such area; and any fines imposed for breach of any provisions of this Chapter may be enforced, by a Magistrate having jurisdiction within such area, in the manner prescribed by the Code of Criminal Procedure, 1898, for the levy of fines.

V of 1898.

Supplemental provisions.

General powers of the Corporation.

263. The Corporation shall have the same powers and be subject to the same restrictions for carrying water-mains in or without Calcutta as they have and are subject to for carrying drains in or without Calcutta.

[Cf. 1899, s. 281.]

Power to Commissioner to cut off or turn off supply of water to premises.

264. (1) Notwithstanding anything contained in the foregoing sections of this Chapter, the Commissioner may cut off the connection between any water-works of the Corporation and any premises to which water is supplied from such works, or may turn off such supply, in any of the following cases, namely:—

[Cf. 1899, s. 288.]

- (a) if the premises are unoccupied;
- (b) if (in the case of a *bustee*) the owner, or (in any other case) the occupier, of the premises fails, for fifteen days after the due presentation of a bill or the due service of a notice, to pay any sum due to the Corporation from him or in respect of such premises;
- (c) if, after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues to use the water or to permit the same to be used, in contravention of this Act or any rule or by-law made thereunder;
- (d) if the occupier of the premises contravenes section 238, sub-section (2), or section 261, sub-section (2);
- (e) if the occupier refuses to admit the Commissioner into the premises for the purpose of making any inspection under this Chapter or under any rule or by-law relating to water-supply made under this Act, or prevents the Commissioner from making such inspection;
- (f) if the owner or occupier of the premises wilfully or negligently injures or damages his meter or any pipe or tap conveying water from any works of the Corporation;
- (g) if any pipes, taps, works or fittings connected with the supply of water to the premises be found, on examination by the Commissioner, to be out of repair to such an extent as to cause a waste of water;
- (h) if the use of the premises for human habitation has been prohibited under section 397;
- (i) if there is any water-pipe situated within the premises to which no tap or other efficient means of turning the water off is attached; or
- (j) if there is a leak in the service-pipe or fittings which causes damage to the public street:

(Part V.—Chapter XVIII.—Water-supply —Clauses
265, 266.)

Provided as follows:—

- (i) water supplied for flushing privies or urinals shall not be cut off or turned off;
- (ii) water shall not be cut off or turned off in any case referred to in clause (b), clause (g) or clause (h), unless written notice of not less than twenty-four hours has been given to the occupier of the premises;
- (iii) if, when the Commissioner demands payment of any expenses, his right to demand the same, or the amount of the demand, is disputed, the power to cut off or turn off water under clause (b) to secure payment of such expenses shall not be exercised unless and until the demand or part thereof is upheld on a reference made to a Court under section 525.

(2) The expense of cutting off the connection or of turning off the water and of restoring the same, as determined by the Commissioner in any case referred to in sub-section (1), shall be paid, in the case of a *bustee*, by the owner of the premises, and in any other case by the owner or occupier of the premises:

Provided that no charge for such expense shall be made in the cases mentioned in clause (a) and clause (h) of the said sub-section.

(3) When all moneys, for the non-payment of which water has been turned off or cut off from any premises under clause (b) of sub-section (1), have been duly paid to the Corporation, together with the expense of cutting off or turning off and restoring the water, the Commissioner shall cause water to be supplied to such premises as before.

(4) If any money, for the non-payment of which water has been cut off or turned off from any premises under clause (b) of sub-section (1), was due from the owner of the premises and is paid by the occupier, the occupier may deduct the amount thereof from the rent of the premises, together with the expenses paid by him under sub-section (2).

(5) No action taken under or in pursuance of this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

Filling up wells when water supplied.

265. Whenever a supply of filtered and un-^[Cf. 1899, s. 284.]filtered water has been provided in any street, the Commissioner may, by written notice, require the owner of any well situated in premises which are supplied from the mains to fill it up with suitable materials.

Laying of pipes or construction of aqueducts beyond Calcutta for bringing water into Calcutta.

266. (1) When a plan for laying pipes or constructing aqueducts for bringing water into Calcutta from any place without Calcutta has been approved by the Local Government, the municipal authorities may, in the execution and for the purposes of the work, exercise, throughout the line of country without Calcutta through which such pipes or aqueducts are to run, all the powers which they might exercise under this Act or under any rule or by-law made thereunder if the said pipes or aqueducts were to run in Calcutta.

(2) The Magistrate of any district without Calcutta through which the said pipes or aqueducts are to run, may exercise, in respect of such work, the same powers and jurisdiction as a Magistrate may, under this Act, exercise in respect of any work executed by a municipal authority in Calcutta.

(Part V.)

CHAPTER XIX.

DRAINS, PRIVIES AND OTHER RECEPTACLES FOR FILTH.

Proprietary Rights of the Corporation in respect of Drains.

Public drains, and drains in, alongside or under public streets, to vest in Corporation.

267. All public drains, and all drains in, alongside or under any public street, whether made at the charge of the Municipal Fund or otherwise, and all works, materials and things (including the soil) appertaining thereto shall vest in the Corporation. [Cf. 1899, s. 286.]

Drains, etc., constructed, etc., at charge of Municipal Fund on private premises to vest in Corporation.

268. All drains and ventilation-shafts, pipes and other appliances and fittings connected with drainage-works constructed, erected or set up at the charge of the Municipal Fund in or upon premises not belonging to the Corporation, whether— [Cf. 1899, s. 287.]

(a) before or after the commencement of this Act, and

(b) for the use of the owner or occupier of such premises or not,

shall, unless the Corporation has otherwise determined, or do at any time otherwise determine, vest and be deemed always to have vested in the Corporation.

Duties of the Corporation in respect of Maintenance and Construction of Drains.

Repair and provision of municipal drains by Corporation.

269. The Corporation shall keep all municipal drains in repair, and shall cause to be made such drains as may be necessary for effectually draining Calcutta. [Cf. 1899, s. 288.]

Provision by Corporation for outfall for discharge of storm-water and sewage.

270. (1) The Corporation shall provide a safe and sufficient outfall, in or without Calcutta, for the proper discharge of the storm-water and sewage of Calcutta in such manner as not to cause any nuisance, whether by flooding any part of Calcutta or of the country surrounding the outfall or in any other way. [Cf. 1899, s. 289.]

(2) The plans of such outfall and the method of disposing of sewage shall be subject to the sanction of the Local Government, who may from time to time direct such alterations to be made as they may consider necessary.

(3) If the outfall deteriorates, by the decay of existing river channels or otherwise, the Local Government may require such order to be taken, and such additions or alterations to be made to or in the outfall works, at the charge of the Municipal Fund, as they may consider necessary to ensure a safe and sufficient outfall.

Municipal Drains.

Power to Commissioner to improve, discontinue, etc., municipal drains, etc.

271. (1) Subject to the control of the Corporation, the Commissioner may— [Cf. 1899, ss. 290 and 291.]

(a) enlarge, arch over, or otherwise improve any municipal drain, or

(b) discontinue, close up or destroy any municipal drain which has, in his opinion, become useless or unnecessary, or

(Part V.—Chapter XIX.—Drains, Privies and other
Receptacles for Filth.—Clauses 272, 273.)

(c) carry any municipal drain—

(i) through, across or under any street or any place laid out as, or intended for, a street, and

(ii) (after giving reasonable notice in writing to the owner or occupier) into, through or under any land whatsoever or under any building

in Calcutta or, for the purpose of outfall or distribution of sewage, without Calcutta, or

(d) construct any new municipal drain in the place of an existing drain in any land wherein any municipal drain has been already lawfully constructed, or

(e) repair or alter any municipal drain so constructed :

Provided that—

(i) if, in the exercise of any of the powers conferred by this section, it is proposed to demolish any house-drain, a written notice shall be served upon the owner of such drain ; and

(ii) if, by reason of anything done under this section, any person is deprived of the lawful use of any drain, the Commissioner shall, as soon as practicable, provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed.

(2) In the exercise of any power conferred by this section, the Commissioner shall create the least practicable nuisance and do as little damage as may be, and shall, with the sanction of the Corporation, pay compensation to any person who sustains damage by the exercise of such power.

Railways, private streets, etc., not to be constructed over municipal drain without permission.

272. (1) Without the written permission of the Corporation— [Cf. 1899, 292.]

(a) no railway or private street shall be constructed, and

(b) no wall or other structure shall be newly erected

over any municipal drain.

(2) If any railway or private street be so constructed, or if any wall or other structure be so erected, without such permission, the Commissioner may, with the sanction of the Corporation, remove or otherwise deal with the same as he may think fit,

and the expenses incurred by the Commissioner in so doing shall, in the discretion of the Commissioner, be paid by the owner of such railway, private street, wall or other structure, or by the person offending.

Communication of drain under control of Local Authority beyond Calcutta with municipal drain.

273. (1) Any Local Authority without Calcutta may cause any drain under its control to communicate with any municipal drain, on such terms and conditions as may be agreed on between such Local Authority and the Corporation. [Cf. 1899, 293.]

(Part V.—Chapter XIX.—Drains, Privies and other
Receptacles for Filth.—Clauses 274-277.)

(2) If in any case terms and conditions cannot be agreed upon under sub-section (1), such Local Authority shall refer the matter to the Local Government, whose decision shall be final.

Communication of
municipal drains with
drains, lakes, etc.,
beyond Calcutta.

274. (1) When a plan for making municipal drains to communicate with, or empty themselves into, any public drain, lake, stream, canal or water-course without Calcutta has been approved by the Local Government, the Corporation or the Commissioner, as the case may be, may, in the execution and for the purposes of the work, exercise, throughout the line of country without Calcutta, through which the said drains are to run, all the powers which they might exercise under this Act if the said drains were to run entirely in Calcutta.

[Cf. 1899, s. 294.]

(2) The Magistrate of any district without Calcutta, through which the said drains are to run, may exercise, in respect of the said work, the same powers and jurisdiction as a Magistrate may, under this Act, exercise in respect of any work executed by a municipal authority entirely in Calcutta.

Drainage of Premises.

Right of owner or
occupier of premises
to empty his house-
drain into municipal
drain.

275. The owner or occupier of any premises shall be entitled to cause his house-drain to empty into a municipal drain, provided that, before doing so, he—

[Cf. 1899, s. 296.]

- (a) obtains the written permission of the Commissioner, and
- (b) complies with such conditions as the Commissioner may prescribe as to the mode in which, and the superintendence under which, communications between house-drains and municipal drains are to be made.

Connections with
municipal drains not
to be made except in
conformity with
section 275.

276. (1) No person shall, without complying with the provisions of section 275, make, or cause to be made, any connection of a house-drain with a municipal drain.

[Cf. 1899, s. 296.]

(2) The Commissioner may close, demolish, alter or re-make any such connection made in contravention of sub-section (1);

and the expenses incurred in so doing shall, in the discretion of the Commissioner, be paid by the owner or occupier of the premises for the benefit of which such connection was made, or by the person offending.

Compulsory connection
of house-drains
with each other.

277. When a house-drain belonging to one or more persons has been laid in any private street which is common to more than one premises, and the Commissioner considers it desirable that any other premises should be drained into such drain,

[Cf. 1899, s. 297.]

he may, by written notice, require the owner of such premises to connect his house-drain with such first-mentioned drain;

and the owners of such first-mentioned drain shall thereupon be bound to permit such connection to be made:

Provided that no such connection shall be made—

- (a) except upon such terms as may be prescribed by the Commissioner, and
- (b) until any payment which may be directed by the Commissioner has been duly made.

(Part V.—Chapter XIX.—Drains, Privies and other
Receptacles for Filth.—(Clauses 278-280.)

Power to Commis-
sioner to drain group
or block of premises
by a combined opera-
tion.

278. (1) If it appears to the Commissioner that any group or block of premises may be drained more economically or advantageously in combination than separately, [Cf. 1899, s. 298.]

and a sewer of sufficient size already exists or is about to be constructed, within one hundred feet of any part of such group or block of premises,

the Commissioner may cause such group or block of premises to be drained by a combined operation.

(2) The expenses incurred in carrying out any work under sub-section (1) in respect of any group or block of premises shall be paid by the owners of such premises in such proportions as the Commissioner may think fit.

(3) Not less than fifteen days before any such work is commenced, the Commissioner shall give to each such owner—

(a) written notice of the nature of the proposed work, and

(b) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

Power to Commis-
sioner to enforce
drainage of undrain-
ed premises situate
within one hundred
feet of a municipal
drain.

279. When any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, and a municipal drain or some place approved by the Commissioner for the discharge of drainage is situated at a distance not exceeding one hundred feet from any part of the said premises, the Commissioner may, by written notice, require the owner of the said premises— [Cf. 1899, s. 299.]

(a) to make a house-drain emptying into such municipal drain or place;

(b) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such house-drain and every fixture connected therewith; or

(c) to remove any existing house-drain, or other appliance or thing used or intended to be used for drainage, which is injurious to health.

Power to Commis-
sioner to enforce
drainage of undrained
premises in other
cases.

280. When in any case not provided for in section 279, any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, he may, by written notice, require the owner of such premises to make a house-drain communicating with the nearest municipal drain: [Cf. 1899, s. 300.]

Provided as follows:—

(a) the cost of constructing that portion of the house-drain so made, which is situate more than one hundred feet from the said premises, shall be paid out of the Municipal Fund; and

(b) if, in the opinion of the Commissioner, there is no municipal drain within a reasonable distance of such premises, he may, by

(Part V.—Chapter XIX.—Drains, Privies and other
Receptacles for Filth.—Clauses 281-283.)

written notice, require the owner of the premises to construct—

- (i) a closed cesspool of such material, size and description, and in such position, as he may prescribe, and
- (ii) a house-drain communicating with such closed cesspool.

Power to Commissioner to close or limit the use of house-drain in certain cases.

281. When a house-drain connecting any premises with a municipal drain is sufficient for the effectual drainage of such premises and is otherwise unobjectionable, but is not, in the opinion of the Commissioner, adapted to the general drainage system of Calcutta, the Commissioner may, by written notice addressed to the owner of the premises, direct—

- (a) that such house-drain be closed, discontinued or destroyed and that any work necessary for that purpose be done; or
- (b) that such house-drain shall from such date as he prescribes in this behalf, be used for sewage, offensive matter and polluted water only or for rain-water and unpolluted sub-soil water only;

Provided as follows:—

(i) no house-drain may be closed, discontinued or destroyed by the Commissioner under clause (a) except on condition of his providing another house-drain equally effectual for the drainage of the premises and communicating with any municipal drain which he thinks fit; and

(ii) the expenses of the construction of any drain so provided by the Commissioner and of any work done under clause (a) shall be paid out of the Municipal Fund.

Power to Commissioner to require that sewage and rain-water drains be distinct in any premises.

282. (1) Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, the Commissioner may, by written notice, require the owner to construct—

- (a) one house-drain for sewage, offensive matter and polluted water, and
- (b) another and entirely separate house-drain for rain-water or unpolluted sub-soil water or for both rain-water and unpolluted sub-soil water,

each emptying into separate municipal drains or other suitable places.

(2) Any requisition made by the Commissioner under sub-section (1) may embrace any detail specified in clause (b) of section 279.

Power to Commissioner to require paving, maintaining and raising level of court-yard, etc.

283. For the purpose of efficiently draining any land or building, the Commissioner may, by written notice, require the owner of any court-yard, alley, passage or open space—

- (a) to pave the same with such materials and in such manner as may be approved of by the Commissioner, and to keep such paving in proper repair, or

(Part V.—Chapter XIX.—Drains, Privies and other
Receptacles for Filth.—Clauses 284-288.)

(b) to raise the level of such court-yard, alley,
passage or open space.

Surface drains for
huts.

284. (1) The Commissioner may prescribe such surface drains for the drainage of huts as the circumstances of the locality and the position of the nearest municipal drain may render practicable. [Cf. 1899, s. 807.]

(2) If the Commissioner considers that a new surface drain should be constructed for the benefit of the occupants of any hut, he may, by written notice, require the owner of the land on which such hut stands to construct such drain;

and such owner shall maintain and from time to time cleanse and repair the drain so constructed to the satisfaction of the Commissioner.

(3) The powers conferred by this section shall be deemed to be in addition to, and not in derogation of, the powers conferred by section 279 and section 280.

Rules as to drains.

285. Drains shall be constructed, maintained, repaired, altered and regulated in accordance with— [Cf. 1899, s. 808.]

- (a) the rules contained in Schedule XIV, and
- (b) requisitions made under such rules.

*Privies, urinals and bathing and washing
places.*

Power to Commis-
sioner to provide and
maintain public
privies and urinals.

286. The Commissioner shall—

- (a) provide and maintain, in proper and convenient situations, privies and urinals for the use of the public, and
- (b) cause all privies and urinals so provided to be constructed and kept so as not to be a nuisance or injurious to health.

Power to Commis-
sioner to license
public privies and
urinals.

287. (1) The Commissioner may—

- (a) grant licenses, for any period not exceeding one year, for the provision and maintenance of privies and urinals for the use of the public, and
- (b) at any time, if he thinks fit, cancel any license so granted after giving one month's notice to the licensee.

(2) No person shall—

- (i) keep a privy or urinal for the use of the public without obtaining a license therefor under sub-section (1), or
- (ii) keep such privy or urinal after such license has been cancelled, or
- (iii) suffer a licensed public privy or urinal of which he is the licensee, to be in a filthy or noxious state.

Power to Commis-
sioner to require
privy and other
accommodation to be
provided in new
buildings.

288. (1) In every new building—

- (i) intended for human habitation, or
- (ii) at or in which labourers or workmen are to be employed,

[Cf. 1899, s. 811 and Bom. Act III of 1898, s. 247.]

(Part V.—Chapter XIX.—Drains, Privies and other
Receptacles for Filth.—Clauses 289, 290.)

such privy and urinal accommodation, and accommodation for bathing or for the washing of clothes and domestic utensils, shall be provided as the Commissioner may prescribe.

(2) In prescribing any such accommodation the Commissioner may determine in each case—

- (a) whether such building shall be provided with service or connected-privies or urinals, or partly with one and partly with the other; and
- (b) what shall be the site or position of each privy, urinal, or bathing or washing place, and their number.

Power to Commissioner to require such provision to be made in other cases.

289. (1) When any premises are without privy, urinal, or bathing or washing place accommodation, or if the Commissioner is of opinion that the existing privy, urinal or bathing or washing place accommodation available for the persons occupying or employed in any premises is insufficient, inefficient, or on any sanitary grounds objectionable, the Commissioner may, by written notice, require the owner of such premises—

[Cf. 1899, a. 312 and Bom. Act III of 1888, a. 246.]

- (a) to provide such, or such additional, privy, urinal or bathing or washing place accommodation as he may prescribe; or
- (b) to make such structural or other alterations in the existing privy, urinal, or bathing or washing place accommodation as he may prescribe; or
- (c) to substitute connected-privy or connected-urinal accommodation for any service-privy or service-urinal accommodation:

Provided that where the privy, urinal, or bathing or washing place accommodation of any premises—

- (i) has been, and is being, used in common by the persons occupying or employed in such premises and any other premises, or
- (ii) is, in the opinion of the Commissioner, likely to be so used,

the Commissioner may, if he is of opinion that such accommodation is sufficient to admit of the same being used by all the persons occupying or employed in all the said premises, direct in writing that separate privy, urinal, or bathing or washing place accommodation need not be provided on or for such other premises:

Provided also that the Commissioner may, if he is of opinion that there is sufficient municipal latrine accommodation available for all the persons occupying or employed in any premises, direct that separate privy or urinal accommodation need not be provided for such premises.

(2) Any requisition under sub-section (1) may comprise any detail specified in section 288, sub-section (2).

Power to Commissioner to require provision of privies and urinals for premises used as a market, etc.

290. If it appears to the Commissioner that any premises are, or are intended to be, used as a market, railway-station, dock, wharf or other place of public resort, or as a place for the employment of persons

[Cf. 1899, a. 312.]

(Part V.—Chapter XIX.—Drains, Privies and other
Receptacles for Filth.—Clauses 291-295.)

exceeding twenty in number, in any manufacture, trade or business, or as workmen or labourers, he may, by written notice, require the owner of such premises to provide such service or connected-privies and urinals for the separate use of persons of each sex as he may prescribe.

Rules for construction, etc., of privies and urinals.

291. Privies and urinals, and all appurtenances thereof, shall be constructed, maintained, repaired, altered and regulated in accordance with—

- (a) the rules contained in Schedule XIV, and
- (b) requisitions made under such rules.

Cost of repair of privy payable out of Municipal Fund in certain cases.

292. (1) If, within three years after any privy has been provided or altered with the sanction or on the requisition of any municipal authority, a requisition is made by the Commissioner for the rebuilding or alteration of such privy, the expenses of such rebuilding or alteration shall be paid out of the Municipal Fund.

(2) When any notice has been issued under section 289 or Schedule XIV in respect of any privy, urinal or group of privies or urinals erected before the first day of April, 1900, and the Corporation are satisfied that the owner of the land or building on or in which any such privy or urinal is situated is from poverty unable to pay the whole or part of the expenses of carrying out the work required by the notice, the Corporation may direct that such expenses, or such portion thereof as they think fit, be paid out of the Municipal Fund.

Inspection of drains, house-gullies, privies and urinals.

House-drains, etc., not belonging to the Corporation to be subject to inspection and examination.

293. All house-drains, ventilation-shafts and pipes, cesspools, house-gullies, privies, and urinals which do not belong to the Corporation, or which have been constructed, erected or set up at the charge of the Municipal Fund on premises not belonging to the Corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Commissioner.

Power to Commissioner to open ground, etc., for purposes of such inspection and examination.

294. For the purpose of any inspection and examination under section 293, the Commissioner may cause the ground or any portion of any house-drain or other work exterior to a building, or any portion of a building which he may think fit, to be opened, broken up or removed:

Provided that in the prosecution of any such inspection and examination as little damage as may be shall be done.

Expenses of inspection and examination by whom to be paid.

295. (1) If, upon any inspection and examination under section 293, it is found that the house-drain, ventilation-shaft or pipe, cesspool, house-gully, privy or urinal examined is in proper order and condition, and that none of the provisions of this Chapter or of Schedule XIV have been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or the portion of any building, house-drain or other work (if any) opened, broken up or removed, for

(Part V.—Chapter XIX.—Drains, Privies and other
Receptacles for Filth.—Clauses 296, 297.)

the purpose of such inspection and examination shall be filled in, re-instated and made good by the Commissioner.

(2) But if, upon any such inspection and examination, it is found that any house-drain, ventilation-shaft or pipe, cesspool, house-gully, privy or urinal so examined is not in good order or condition, or has been repaired, changed, altered, encroached upon or (except when the same has been constructed by or under the order of a municipal authority) constructed in contravention of any of the provisions of this Chapter, or of Schedule XIV, or of any enactment at the time in force,

the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall at his own cost fill in, re-instate and make good the ground, or the portion of any building, house-drain or other work opened, broken up or removed for the purpose of such inspection and examination :

Provided that the amount recoverable as expenses of such inspection and examination shall not in any case exceed ten rupees.

Power to Commissioner to require repairs, etc., to be made

296. (1) When the result of any inspection and examination under this Chapter is as described in section 295, sub-section (2), the Commissioner may, by written notice, require the owner of the premises in which the house-drain, ventilation-shaft or pipe, cesspool, house-gully, privy or urinal referred to in the said sub-section is situate—

[Cf. 1899, s. 820.]

(a) to close or remove the same or any encroachment thereupon ; or

(b) to renew, repair, cover, re-cover, trap, ventilate, pave and pitch, flush, cleanse or take such other order with the same as the Commissioner may think fit to direct, and to fill in, re-instate and make good the ground or the portion of any building, house-drain or other work opened, broken up or removed for the purpose of the said inspection and examination.

(2) In any such case the Commissioner may, forthwith and without notice, stop up or demolish any house-drain by which sewage, offensive matter or polluted water is carried through, from, into or upon any premises in contravention of any of the provisions of this Chapter or of Schedule XIV ;

and may also, forthwith and without notice, clear, cleanse or open out any house-drain which is choked, blocked or in any way obstructed ;

and all expenses incurred by the Commissioner in so doing shall, in his discretion, be paid by the owner or the occupier of the premises.

Position of Cesspools and other Filth Receptacles.

Position of cesspools.

297. (1) No person shall construct a cesspool—

[Cf. 1899, s. 804 and 825.]

(a) beneath any part of any building, or within fifty feet of any tank, reservoir, water-course or well ; or

*(Part V.—Chapter XIX.—Drains, Privies and other
Receptacles for Filth.—Clauses 298-301.)*

(b) upon any site or in any position in Calcutta which has not been approved in writing by the Commissioner; or

(c) upon any site or in any position without Calcutta, which has not been so approved and is situated within three hundred feet of any reservoir used for the storage of filtered water to be supplied to Calcutta.

(2) The Commissioner may at any time, by written notice, require any person within whose premises any cesspool is constructed in contravention of sub-section (1), to remove such cesspool or to fill it up with such material as may be approved by the Commissioner.

No filth receptacle to be situated within fifty feet of tank, well, water-course or reservoir.

298. (1) No person shall construct any house-drain, service-privy, urinal or other receptacle for sewage or offensive matter, not being a cesspool, within fifty feet of any tank, well or water-course or any reservoir for the storage of water, unless he first satisfies the Commissioner that he will take such order therewith as will prevent any risk of sewage or offensive matter passing by percolation or otherwise into such tank, well, water-course or reservoir.

[Cf. 1899, s. 825.]

(2) The Commissioner may at any time, by written notice, require any person within whose premises there is situated, within fifty feet of any tank, well, water-course or reservoir for the storage of water, any receptacle mentioned or referred to in sub-section (1), to remove such receptacle.

(3) This section shall also apply to any such receptacle, without Calcutta, which is constructed or situated within fifty feet of any reservoir used for the storage of filtered water to be supplied to Calcutta.

General Powers and Duties of the Commissioner.

Power to Commissioner to affix shafts or pipes for ventilation of drain or cesspool.

299. For the purpose of ventilating any drain or cesspool, whether vested in the Corporation or not, the Commissioner, subject to the control of the Corporation, may erect upon any premises or affix to the outside of any building, or to any tree, any such shaft or pipe as may appear to him to be necessary.

[Cf. 1899, s. 821.]

Power to Commissioner to execute work when municipal drains, etc., affected.

300. When a notice has been issued under this Chapter or Schedule XIV, requiring any person to construct or alter a drain, the Commissioner may himself cause to be constructed or altered so much of the drain as runs through, over or under any municipal drain, public aqueduct or public street, and the expenses thereby incurred shall be paid by the owner of the drain.

[Cf. 1899, s. 823.]

Power to Commissioner to provide new drains, etc., in executing works.

301. (1) In executing any drainage-works under this Chapter, the Commissioner, with the previous sanction of the Corporation, shall provide and make, out of the Municipal Fund, a sufficient number of convenient ways, water-courses and drains in substitution for any that may be interrupted, injured or rendered useless by reason of the execution of such works;

[Cf. 1899, s. 824.]

and, if any difference arises between the Commissioner and the persons affected, the same shall be

(Part V.—Chapter XIX.—Drains, Privies and other
Receptacles for Filth.—Clauses 302-305.)

settled by the Court of Small Causes, having jurisdiction in the place where such works are executed, on application to be made to it for this purpose.

(2) The decision of the said Court of Small Causes shall, subject to the provisions of section 6 of the Presidency Small Cause Courts Act, 1882, or section 25 of the Provincial Small Cause Courts Act, 1887, as the case may be, be final. XV of 1882.
IX of 1887.

General power to Commissioner in respect of house-drains, cesspools, privies and urinals.

302. Subject to the provisions of this Chapter and of Schedule XIV,— [Cf. 1899, s. 328.]

(a) all house-drains, as well within as without the premises to which they belong, all cesspools and all privies and urinals shall, as regards their site, construction, materials and dimensions and the arrangements for flushing the same, be under the survey and control of the Commissioner, and

(b) the Commissioner may, by written notice, require the owner of any premises in which any house-drain, cesspool, privy or urinal is situated, to alter, pave, repair or ventilate the same or to keep it in such a state of repair as to admit of its being sufficiently cleaned, or to supply it with water, or connect it with a sewer, or stop up or demolish it.

Power to Commissioner to require occupier to carry out work in place of owner.

303. When, under the provisions of this Chapter or of Schedule XIV, the Commissioner may require the owner of any premises to carry out any work, the Commissioner may, if, for reasons to be recorded by him in writing, he considers it desirable so to do, require the occupier of the said premises to carry out such work and the occupier shall be bound to comply with the requisition: [Cf. 1899, s. 315.]

Provided that such occupier may deduct the amount of the expenses reasonably incurred or paid by him in respect of such work from the rent payable to the owner, or may recover the same from him in any Court of competent jurisdiction.

Power to Commissioner to execute work without giving person liable the option of executing it.

304. (1) When, under the provisions of this Chapter or of Schedule XIV, any person may be required or is liable to execute any work, the Commissioner may, if it appears to him to be expedient and necessary so to do, himself cause such work to be executed without first giving such person the option of executing the same. [Cf. Bom. Act III of 1888, s. 263.]

(2) The expenses of any work so executed shall be payable by the said person, unless the Corporation direct the payment of such expenses out of the Municipal Fund.

General Prohibitions.

Prohibition of certain acts.

305. No person shall,— [Cf. 1899, s. 329.]

(a) in contravention of any of the provisions of this Chapter or of Schedule XIV, or of any notice issued or direction given thereunder, or without the written permission of the Commissioner,

*(Part V.—Chapter XIX.—Drains, Privies and other
Receptacles for Filth.—Clause 306.)*

in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change,

any drain, ventilation-shaft or pipe, cesspool, privy or urinal, or any trap, covering or other fitting or appliance connected therewith; or,

(b) without the written permission of the Commissioner, renew, rebuild or unstop any drain, ventilation-shaft or pipe, cesspool, privy or urinal, or any fitting or appliance, which has been, or has been ordered to be, discontinued, demolished or stopped up under any of the said provisions; or,

(c) without the written permission of the Commissioner, make any encroachment upon, or in any way injure or cause or permit to be injured, any drain, cesspool, house-gully, privy or urinal; or

(d) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any brick, stone, earth or ashes, or any substance or matter, by which or by reason of the amount of which such drain is likely to be obstructed; or

(e) pass, or permit or cause to be passed, into any drain provided for a particular purpose, any matter or liquid for the conveyance of which such drain was not provided; or

(f) cause or suffer to be discharged into any drain from any factory, bakehouse, distillery, workshop or workplace, or from any building or place in which steam, water or mechanical power is employed,

any hot water, steam or fumes, or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain, or which would, from its temperature or otherwise, be likely to create a nuisance.

Appeal.

306. An appeal shall lie to the General Appeals Committee from—

Appeal to the
General Appeals
Committee.

(a) any notice issued or other action taken or proposed to be taken, as the case may be, by the Commissioner under proviso (i) or proviso (ii) to section 271, clause (b) of section 275, section 276, sub-section (2), section 277, section 278, section 279, section 280, section 281, section 282, section 283, section 284, section 288, section 289, section 290, section 296, section 297, section 298, or section 302, or

(b) any refusal by the Commissioner to grant a written permission under clause (a) of section 275, or section 305, or

(c) any order of the Commissioner refusing to grant, or cancelling, a license under section 287.

(Part V.)

CHAPTER XX.

LICENSED PLUMBERS.

Power to Commission-
er to license
plumbers.

307. (1) The Commissioner may from time to time grant to any person he thinks fit a license to act as a plumber for the purposes of Chapter XVIII or Chapter XIX. [Cf. 1899, s. 329.]

(2) Every such license shall be for a renewable period of three years.

(3) If the Commissioner refuses any application for a license under this section, he shall, at the request of the applicant and without any charge, furnish him with his reasons for such refusal, in writing under his signature.

Rules for guidance
of plumbers.

308. The Commissioner may make rules for the guidance of licensed plumbers, and a copy of all such rules, for the time being in force, shall be written on the back of every license granted under section 307. [Cf. 1899, s. 330.]

Powers and duties
of plumber licensed
for drainage works.

309. A plumber holding a license for the purposes of Chapter XIX— [Cf. 1899, s. 331.]

- (a) may prepare, for the approval of the Commissioner, plans and estimates for the drainage of premises ;
- (b) may, with the sanction of the Commissioner, carry out drainage works in accordance with this Act and the rules or by-laws made thereunder ;
- (c) shall furnish the Commissioner with plans of all drainage works carried out under clause (b) ;
- (d) may carry out any necessary repairs to municipal drainage works ;
- (e) may, when the owner or occupier of any premises has failed to comply with a notice requiring such owner or occupier to provide for the effectual drainage of such premises and if so directed by an order signed by the Commissioner, carry out such works as may be necessary for the effectual drainage of the said premises ; and
- (f) shall, when any works have been executed under clause (e), furnish the Commissioner with plans of the same and with a statement of the cost of such works.

Prohibition of
work by other than
licensed plumber.

310. (1) No person other than a licensed plumber shall— [Cf. 1899, s. 332.]

- (a) execute any work in connection with the laying on of water from any mains of the Corporation to any land or building, or in connection with the extension of such mains or the supply of additional fittings after water has been so laid on, or
- (b) make any underground drain communicating with the public sewers, or
- (c) do any work in connection with such drain.

(Part V.—Chapter XX.—Licensed Plumbers.—
Clauses 311-314.)

(2) No owner or occupier of any land or building shall cause or allow any work referred to in sub-section (1) to be executed by any person other than a licensed plumber.

(3) If the owner or occupier of any land or building contravenes sub-section (2) in respect of any work referred to in clause (a), the Commissioner may, whether such owner or occupier is prosecuted under this Act or not, cut off the municipal water-supply connection with the said land or building until the said work has been dismantled or re-executed to his satisfaction.

Power to Corporation to prescribe remuneration of licensed plumbers.

311. (1) The Corporation may from time to time prescribe the charges to be paid to licensed plumbers for any work done by them under or for any of the purposes of Chapter XVIII or Chapter XIX. [Cf. 1899, s. 333.]

(2) No licensed plumber shall, for any work referred to in sub-section (1), demand or receive more than the charge prescribed therefor under that sub-section.

Control over licensed plumbers and their work and charges.

312. The Commissioner shall provide for—

[Cf. 1899, s. 334.]

- (a) the exercise of an adequate control over all licensed plumbers;
- (b) the inspection of all work carried out by them; and
- (c) the hearing and disposal of complaints made by owners or occupiers of premises with regard to the quality of the work done by, the materials used by, or the charges made by, licensed plumbers.

Prohibitions and of cancellation of license.

313. (1) No licensed plumber shall infringe any of the rules made under section 308, or execute carelessly or negligently any work under this Act or under any rules or by-laws made thereunder, or make use of bad materials, appliances or fittings. [Cf. 1899, s. 335.]

(2) If any licensed plumber contravenes sub-section (1), his license may be cancelled, whether he be prosecuted under this Act or not.

Appeal.

Appeal to General Appeals Committee.

314. An appeal shall lie to the General Appeals Committee from any order of the Commissioner refusing to grant or renew a license under section 307.

(Part V.)

CHAPTER XXI.

STREETS AND PUBLIC PLACES.

Proprietary Rights of the Corporation.

Public streets and squares vested in the Corporation and power to the Corporation to name such streets and squares.

315. (1) All public streets and squares (not being the property and kept under the control of the Government or the Commissioners for the Port of Calcutta), including the soil, and the side-drains, footways, pavements, stones and other materials of such streets and squares, and all erections, materials, implements and other things provided for such streets or squares shall vest in and belong to the Corporation. [Cf. 1899, s. 336.]

(2) The Corporation may, from time to time, determine the name by which any public street or square is to be known. [Cf. 1899, s. 346 (1).]

Maintenance, Repair, Protection and Regulation of Streets and Public Places.

Maintenance and repair of public streets by Corporation.

316. The Commissioner shall, out of funds to be allotted by the Corporation, cause the public streets to be maintained and repaired, and for those purposes may do all things necessary for the public safety or convenience, including the construction and maintenance of bridges, causeways and culverts. [Cf. 1899, s. 337.]

Watering, etc., of public streets and squares.

317. The Commissioner shall, so far as he may consider it necessary so to do for the public convenience, cause the chief public streets and squares to be watered, oiled or otherwise treated in a suitable manner, and for that purpose may provide such animals, water-carts, materials and other apparatus as he may think necessary. [Cf. 1899, s. 338.]

Rules for maintaining, repairing, etc., streets and public places.

318. Streets and public places shall be maintained, repaired, protected and otherwise regulated in accordance with the rules contained in Schedule XV.

Power to Commissioner to remove or alter portions of buildings or fixtures attached to building which project, etc., over public street or land.

319. (1) When any portion of a building or any fixture attached to a building so as to form part of the building, whether erected before or after the commencement of this Act, causes a projection, encroachment or obstruction over or on any public street or any land vested in the Corporation, the Commissioner may, by written notice, require the owner or occupier of the building to remove or alter such portion of the building or fixture. [Cf. 1899, s. 341.]

(2) If the expense of removing or altering any such portion of a building or fixture is paid by the occupier of the building, in any case in which the same was not erected by himself, he shall be entitled to deduct the expense of removal or alteration from the rent payable by him to the owner of the building.

(3) If the owner or occupier of the building proves that any such portion of the building or fixture was erected before the first day of June, 1863, or that it was erected on or after that day with the consent of any municipal authority duly empowered in that behalf, the Corporation shall, after such portion of the building or fixture has been removed, make reasonable compensation to every person who suffers damage by the removal or alteration thereof.

(Part V.—Chapter XXI.—Streets and Public Places.—Clauses 320-322.)

Power to Commissioner to remove other obstructions in public street.

320. (1) The Commissioner may remove any wall, fence, rail, post, platform, or other obstruction, projection or encroachment (not being a portion of a building or fixture, referred to in section 319) which has been erected or set up, and any materials or goods which have been deposited, in a public street or in or over any drain or aqueduct in a public street, whether the offender be prosecuted under this Act or not; [Cf. 1899, s. 342.]

and the offender shall be liable for the payment of the expense of such removal.

(2) When, under sub-section (1), the Commissioner removes any wall or other obstruction, projection or encroachment from land which forms part of a public street, no compensation shall be payable, but the Commissioner shall be bound to provide proper means of access to and from the street if none exists already.

Building-lines and Street Alignments for Public Streets.

Power to Corporation to prescribe building-line and street alignment.

321. (1) If the Corporation consider it expedient to prescribe for any public street a building-line or a street alignment, or both a building-line and a street alignment, as the case may be, they shall give public notice of their intention so to do. [Cf. 1899, s. 350.]

(2) Every such notice shall specify a period within which objections will be received.

(3) The Corporation shall consider all objections received within the said period, and may then make an order prescribing a building-line or a street alignment, or both a building-line and a street alignment, as the case may be, for such public street.

(4) A building-line shall not be prescribed so as to extend farther back than the front of any building (other than a boundary wall) abutting on the street at its widest part.

(5) Every order made under sub-section (3) shall be published in the *Calcutta Gazette* and shall take effect from the date of such publication.

Restrictions on erection of, or addition to, buildings or walls within street alignment or building-line.

322. (1) No portion of any building or wall shall be erected or added to within a street alignment prescribed under section 321: [Cf. 1899, s. 351.]

Provided that the Corporation may, in their discretion, permit additions to a building to be made within a street alignment, if such additions merely add to the height of, and rest upon, an existing building or wall, upon the owner of the building executing, if required to do so by the Commissioner, an agreement binding himself and his successors in interest—

(a) not to claim compensation in the event of the Commissioner at any time thereafter calling upon him or such successors, by written notice, to remove any building erected or added to in pursuance of such permission, or any portion thereof, and

(b) to pay the expenses of such removal.

(Part V.—Chapter XXI.—Streets and Public Places.—Clauses 323, 324.)

(2) If the Commissioner refuses to grant the permission applied for to erect or add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed under section 321, and if such site, or the portion thereof which falls within such alignment, be not acquired by the Commissioner on behalf of the Corporation within one year after the date of such refusal, the Corporation shall pay reasonable compensation to the owner of the site.

(3) If any person desires to erect or add to any building between a street alignment and the building-line prescribed under section 321, he shall submit an application in writing to the Commissioner for permission so to do.

(4) If the Commissioner grants the permission applied for under sub-section (3), he may require the applicant to execute an agreement in accordance with the proviso to sub-section (1):

Provided that it shall not be necessary to obtain permission under this section to erect, between a street alignment and the building-line,—

(a) a porch or balcony, or,

(b) along not more than one-third of the frontage, an out-house not exceeding 15 feet in height.

Power to Commissioner to take possession of, and add to street, land situated within prescribed street alignment or covered by projecting buildings

323. (1) The Commissioner may at any time, on behalf of the Corporation, take possession of—

[Cf. 1899, s. 352.]

(a) any land (abutting on a public street) upon which any building or wall projecting beyond the front of the adjoining building or wall, on either side of such first mentioned building or wall, has collapsed or been demolished or burnt down, and

(b) any land not covered by buildings (including land on which a building has collapsed or been demolished or burnt down) which is situated within a street alignment prescribed under section 321,

after making full compensation to the owner thereof for any direct damage which he may sustain thereby.

(2) Any land taken possession of under sub-section (1) shall forthwith be added to and become part of the said street, and shall vest in the Corporation.

Explanation.—The expression “direct damage,” as used in sub-section (1) with reference to land, means the market-value of the land taken and the depreciation, if any, in the ordinary market-value of the rest of the land resulting from the area being reduced in size; but does not include damage due to any particular use to which the owner may allege that he intended to put the land although such use may be injuriously affected by the reduction of the site.

Power to Corporation to set buildings forward to improve line of public street.

324. The Corporation may, upon such terms as they think fit, allow any building or wall to be set forward for the purpose of improving the line of a public street.

[Cf. 1899, s. 353.]

(Part V.—Chapter XXI.—Streets and Public Places.—Clauses 325-329.)

Opening, Improvement and Closing of Public Street.

Power to Corporation to make, improve and close streets.

325. The Corporation may—

[Cf. 1899, n. 364.]

- (a) lay out and make new streets;
- (b) construct new bridges and sub-ways;
- (c) turn, divert, discontinue or permanently close any public street or part thereof; and
- (d) widen, open, enlarge, or otherwise improve any public street.

Power to Corporation to dispose of so much of a permanently-closed street as is not required.

326. (1) When any public street, or part thereof, is permanently closed under section 325, the Corporation may sell or lease the site of so much of the road-way and foot-path as is no longer required, making due compensation to, or providing means of access for, any person who may suffer damage by such closing.

[Cf. 1899, n. 365.]

(2) In determining such compensation under section 326, the Court shall make allowance for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street at or about the same time that the public street, on account of which the compensation is paid, is closed.

Projected Public Streets.

Projected public streets.

327. (1) The Corporation may from time to time prepare schemes and plans of projected public streets, showing the direction of such streets, the street alignment and building-line on each side of them, their intended width, and such other details as may appear desirable.

[Cf. 1899, n. 366.]

(2) The width of such projected streets, inclusive of space for foot-paths, shall not be less than forty feet or, in a *bustee*, twenty feet:

Provided that—

- (a) the sub-section shall not apply in any case in which the projected street, or any part thereof, runs along an existing street and the Corporation consider it impracticable to widen the street to the extent of forty feet or twenty feet, as the case may be; and
- (b) if the width of the projected street be less than forty feet, the building-line for masonry buildings on each side thereof shall not be less than twenty feet from the centre line of such street.

Provisions of section 322 to apply to projected public streets.

328. The provisions of section 322 shall, with all necessary modifications, apply to public streets projected under section 327.

Acquisition of Land and Buildings.

Power to Corporation to acquire land and buildings for improvement of public streets.

329. (1) The Corporation may acquire—

[Cf. 1899, n. 367.]

- (a) any land required for the purpose of opening, widening, extending or otherwise improving any public street, or of making any new public street, and
- (b) the buildings (if any) standing upon such land.

(Part V.—Chapter XXI.—Streets and Public
Places.—Clause 330.)

(2) The Corporation, with the sanction of the Local Government, may acquire, in addition to land and buildings acquired under sub-section (1), any land outside any proposed street alignment, with the buildings (if any) standing thereupon, which the Corporation may, for any of the purposes mentioned in sub-section (1), consider it expedient to acquire.

Abandonment of Acquisition.

Abandonment of acquisition in consideration of special payment.

330. (1) In any case in which the Local Government have sanctioned the acquisition of land under section 329, sub-section (2), the owner of the land, or any person having an interest therein, may make an application to the Commissioner, requesting that the acquisition of the land may be abandoned in consideration of the payment by such person of a sum to be fixed by the Corporation in that behalf.

[*Cf.* 1899, s. 867 and Ben. Act V of 1911, s. 78.]

(2) The Commissioner shall admit every such application, if it—

- (a) reaches him before the time fixed by the Collector under section 9 of the Land Acquisition Act, 1894, for making claims in reference to the land, and
- (b) is made by all persons who have interests in the land greater than a lease for years having seven years to run.

I of 1894.

(3) If the Commissioner admits any such application, he shall forthwith inform the said Collector, and the Collector shall thereupon stay, for a period of three months, all further proceedings for the acquisition of the land, and the Corporation shall proceed to fix the sum in consideration of which the acquisition of the land may be abandoned.

(4) Within the said period of three months, or, with the permission of the Corporation, at any time before the Collector has taken possession of the land under section 16 of the Land Acquisition Act, 1894, the person from whom the Corporation have arranged to accept the sum so fixed may, if the Corporation are satisfied that the security offered by him is sufficient, execute an agreement with the Corporation, either—

I of 1894.

- (i) to pay the said sum two years after the date of the agreement, or
- (ii) to leave the said sum outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the rate of four *per cent. per annum*, and to make the first annual payment of such interest three years after the date of the agreement :

Provided that the Corporation may, at any time before the Collector has taken possession of the land under section 16 of the Land Acquisition Act, 1894, accept immediate payment of the said sum instead of an agreement as aforesaid.

I of 1894.

(5) When any agreement has been executed in pursuance of sub-section (4), or when any payment has been accepted in pursuance of the proviso to that sub-section, in respect of any land, the proceedings for the acquisition of the land shall be deemed to be abandoned.

(Part V.—Chapter XXI.—Streets and Public Places.—Clauses 331-333.)

(6) Every payment due from any person under any agreement executed under sub-section (4) shall be a charge on the interest of that person in the said land.

(7) If any instalment of interest payable under an agreement executed in pursuance of clause (ii) of sub-section (4) be not paid on the date on which it is due, the sum fixed by the Corporation under sub-section (3) shall be payable on that date, in addition to the said instalment.

(8) At any time after an agreement has been executed in pursuance of clause (ii) of sub-section (4), any person may pay off the charge created thereby, with interest, at the rate of four *per cent. per annum* up to the date of such payment.

(9) When an agreement in respect of any land has been executed by any person in pursuance of sub-section (4), no suit with respect to such agreement shall be brought against the Corporation or the Commissioner by any other person (except an heir, executor or administrator of the person first aforesaid) claiming to have an interest in the land.

Recovery of money payable in pursuance of section 330.

331. When an agreement has been executed by any person in pursuance of section 330, sub-section (4), in respect of any land, and any money payable in pursuance of that section is not duly paid, the same shall be recoverable by the Commissioner (together with interest, up to the date of realization, at the rate of four *per cent. per annum*), under the provisions of this Act;

[*Cf.* 1899, s. 367 and Ben. Act V of 1911, s. 79.]

and, if not so recovered, the Commissioner may, after giving public notice of his intention so to do, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

Agreement or payment under section 330 not to bar acquisition under a fresh declaration.

332. If any land in respect of which an agreement has been executed, or a payment has been accepted, in pursuance of section 330, sub-section (4), be subsequently required for any of the purposes of this Act, the agreement or payment shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Land Acquisition Act, 1894.

[*Cf.* 1899, s. 367 and Ben. Act V of 1911, s. 80.]

I of 1894.

Special Provisions as to Private Streets.

Making of new private streets.

333. (1) Any person intending to make or lay out a new private street shall send to the Commissioner a written notice, with plans and sections showing the following particulars of the proposed street, namely:—

[*Cf.* 1899, s. 368.]

- (a) the level and width of the street,
- (b) the street alignment and the building-line, and
- (c) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining and lighting the street.

(2) The provisions of this Act as to the width of public streets and the height of buildings abutting

(Part V.—Chapter XXI.—Streets and Public Places.—Clauses 334, 335.)

thereon, and as to projected public streets, shall respectively apply in the case of streets referred to in sub-section (1); and all the particulars referred to in that sub-section shall be subject to approval by the Corporation:

Provided that the Corporation may allow a private street to be made or laid out of a width less than forty feet but not less than twenty feet, if the distance between the building-lines for masonry buildings on each side of the street be not less than forty feet:

Provided also that, at the time of sanctioning the making of a private street less than forty feet in width, the Corporation may reserve the right to call upon the person to whom such sanction is granted, or his successor in interest, at any time after a period to be fixed by the Corporation, to widen such street to the full width of forty feet, and such person or his successor in interest shall thereupon be bound to obey such requisition.

(3) Within sixty days after the receipt of any notice under sub-section (1), the Corporation shall either sanction the making of the street, or disallow it, or ask for further information with respect to such street.

(4) Such sanction may be refused—

- (i) if the proposed street would conflict with any arrangements which have been made, or which are in the opinion of the Corporation likely to be made, for carrying out any general scheme of street improvement, or
- (ii) if the proposed street does not conform to the provisions of this Act referred to in sub-section (2), or
- (iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) If further information is asked for under sub-section (3), no steps shall be taken to make or lay out the street until orders have been passed upon receipt of such information.

Prohibition of
breach of section 333.

334. No person shall make or lay out any street referred to in section 333, sub-section (1),—

[Cf. 1899, s. 350.]

- (a) until he has obtained the sanction of the Corporation under that section, or
- (b) in contravention of any orders made thereunder.

Alteration or demolition of street made in breach of section 333.

335. (1) If any person makes or lays out any street referred to in section 333, sub-section (1), without having obtained the sanction of the Corporation under that section, or in contravention of any orders made thereunder, the Commissioner may, whether or not the offender be prosecuted under this Act, by written notice,—

[Cf. 1899, s. 350.]

- (a) require the offender to show sufficient cause, by a written statement signed by him and sent to the Commissioner on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the Commissioner, or, if such alteration be impracticable, why such street should not be demolished, or

(Part V.—Chapter XXI.—Streets and Public Places.—Clauses 336-338.)

(b) require the offender to appear before the Commissioner, either personally or by a duly authorized agent, on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause, to the satisfaction of the Commissioner, why such street should not be so altered or demolished, the Commissioner may cause the street to be so altered or demolished, and the expenses thereof shall be paid by such person.

Levelling, etc., of private streets.

336. (1) If any private street or any part thereof be not levelled, paved, metalled, flagged, channelled, sewered, drained and lighted to the satisfaction of the Commissioner, he may, by written notice to the owner of such private street or the respective owners or occupiers of the land fronting, adjoining or abutting upon such street or part, as the case may be, require them to level, pave, metal, flag, channel, sewer, drain and light such street or part. [Cf. 1899, n. 361.]

(2) If such notice be not complied with and the Commissioner, under section 513, sub-section (2), executes the works mentioned or referred to therein, the expenses thereby incurred shall be paid by the owner of such private street or the owners or occupiers in default, in such proportion as may be settled—

- (a) by the Commissioner, or,
- (b) in case of dispute, by the Court under section 526.

Power to Corporation to take over private streets.

337. If any private street which conforms to the provisions of this Act referred to in section 333, sub-section (2), be levelled, paved, metalled, flagged, channelled, sewered, drained and lighted to the satisfaction of the Commissioner, and if a majority of— [Cf. 1899, n. 362.]

- (a) the owners of buildings in such street, or
- (b) the owners of the street, or
- (c) the owners or occupiers who have paid the expenses referred to in section 336, sub-section (2),

signify in writing their consent thereto, the Corporation may, if they think fit, declare the same, by written notice put up in any part of such street, to be a public street, and thereupon the same shall become a public street and shall vest in the Corporation.

Appeal.

Appeal to General Appeals Committee.

338. An appeal shall lie to the General Appeals Committee from—

- (a) any written notice issued by the Commissioner under section 319, sub-section (1), or section 336, sub-section (1),
- (b) any refusal by the Commissioner, under section 322, sub-section (2), to permit a building to be erected or added to between a street alignment and the building-line, and
- (c) any action taken or proposed to be taken by the Commissioner under section 335, sub-section (2).

(Part V.)

CHAPTER XXII.

BUILDINGS.

Use of building-sites, and erection of new buildings.

339. No piece of land shall be used as a site for the erection of a new building, and no new building shall be erected, otherwise than in accordance with—

[*Cf.* 1899, n. 303.]

(a) the provisions of this Chapter and of Schedule XVI, and

(b) any orders, rules or by-laws made under this Act,

relating to the use of building-sites or the erection of new buildings, as the case may be.

Commissioner to determine site of proposed masonry building.

340. If any question arises as to what, for the purposes of this Act, shall be deemed to be the site of any proposed masonry building, the Commissioner shall determine the same, and his decision shall be final.

Licensed Building Surveyors.

Licensing of building surveyors.

341. (1) The Commissioner may from time to time grant to any person he thinks fit a license to act as a licensed building surveyor for the purposes of this Chapter.

[*Cf.* Bom. Act III of 1888, n. 355.]

(2) The Corporation may prescribe the qualifications to be required in persons to whom licenses may be granted under sub-section (1).

(3) Every such license shall be for a renewable period of three years.

(4) If the Commissioner refuses any application for a license under this section, he shall, at the request of the applicant and without any charge, furnish him with his reasons for such refusal, in writing under his signature.

Rules for guidance of licensed building surveyors.

342. The Commissioner may make rules for the guidance of licensed building surveyors, and a copy of all such rules, for the time being in force, shall be written on the back of every license granted under section 341.

[*Cf.* Bom. Act III of 1888, n. 356.]

Power to Commissioner to decline plans, etc., made by persons other than licensed building surveyors.

343. The Commissioner may decline to accept any plan, elevation or section, submitted with any application for permission to erect a new building, unless such plan, elevation or section has been prepared by and bears the signature of a licensed building surveyor.

[*Cf.* Bom. Act III of 1888, n. 359.]

Buildings generally.

Power to Corporation to regulate future erection of certain classes of buildings in particular streets or localities.

344. (1) The Corporation may at any time give public notice of their intention to declare that, in any street, portion of a street or locality specified in the notice,—

[*Cf.* 1899, n. 267.]

(a) the elevation and construction of the frontage of all new buildings (other than huts) there-after erected shall, in respect of their architectural features, be such as the Commissioner may consider suitable to the locality, or

(b) the erection of only detached buildings will be allowed, subject to the provisions of this Act relating to detached buildings, or

(Part V.—Chapter XXII.—Buildings.—Clauses
345-347.)

- (c) the erection of shops, or of buildings of the warehouse class, will not be allowed without the special permission of the Commissioner, or
- (d) the erection of buildings of the warehouse class will be allowed, subject to the provisions of this Act relating to such buildings, or
- (e) the erection of huts will not be allowed without the special permission of the Commissioner, or
- (f) the court-yard of every hut thereafter erected shall be paved with some impermeable material.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The Corporation shall consider all objections received within the said period, and may prepare a declaration relating to the streets or localities referred to in the notice and submit the declaration to the Local Government, together with the said objections (if any) and their report upon them.

(4) The Local Government, after considering the said objections (if any), may confirm the declaration, and before doing so, may modify it, but not so as to extend its effect.

(5) When any such declaration has been so confirmed, it shall be published in the *Calcutta Gazette* and shall take effect from the date of such publication.

(6) No person shall erect any new building in contravention of any such declaration.

Masonry building not to be erected without special permission in certain cases.

345. (1) Save with the special permission of the Commissioner, no new building (other than a hut) shall be erected unless—

- (a) the site of such building abuts on a public street, or a projected public street, or a private street duly sanctioned and constructed under section 333, or
- (b) there is access to the building from any such street by a passage or pathway, appertaining exclusively to such site, and not less than sixteen feet wide at any part.

(2) No building shall be erected so as to deprive any masonry building of the means of access prescribed by clause (b).

Power to Commissioner to require alteration of existing public building.

346. For the purpose of bringing any public building into conformity with the provisions of this Act relating to new public buildings, the Commissioner may, by written notice, require the owner of the building to make such alterations therein as may be specified in the notice.

Prohibition of change in user of a building.

347. (1) Save with the special permission of the Commissioner, no person shall use a building or part of a building erected for use as, and belonging to, any one class of buildings, as a building of any other class in such a manner that the building or part thereof so used will not be in conformity with the provisions

• (Part V.—Chapter XXII.—Buildings.—Clauses 348, 349.)

of this Act, or of any rules or by-laws made thereunder, relating to buildings of the said other class.

(2) The provisions of sub-section (1) shall not apply to the use as a shop of a building or part of a building which was not erected for such use :

Provided that if, in any street, portion of a street or locality in which the erection of shops is not allowed under clause (c) of section 344, any such building or part thereof is used as a shop without the special permission of the Commissioner, he may, by written notice, require the owner or occupier of such shop to close the same.

Application of Act to alterations of, and additions to, buildings.

Application of Act to alterations of, and additions to, buildings

348. Unless the Commissioner, on application made to him in writing in any case, otherwise directs, the provisions of—

[Cf. 1899, s. 301.]

- (a) this Chapter,
- (b) Schedule XVI, and
- (c) any orders, rules and by-laws made under this Act,

relating to the erection of new buildings, shall, subject to the rules in Part X of the said Schedule XVI, apply to every alteration of, or addition to, any building, and to any other work (except that of necessary repairs not involving any of the works specified in rule 94 of the said Schedule) made or done for any purpose in, to, or upon any building.

Explanation.—No work of re-erection or re-construction which would constitute any building a new building under sub-clause (b), sub-clause (c) or sub-clause (d) of clause 36 of section 3 shall, for the purposes of this section, be deemed to be an alteration of, or addition to, or any other work made or done to or upon, such building, but in the case of such re-erection or re-construction the provisions relating to the erection of new buildings as referred to in this section shall apply to the whole of the said new building.

Exemptions.

Exemptions.

349. The following buildings shall be exempted from the operation of this Chapter, namely :—

[Cf. 1899, s. 303.]

- (a) any building erected and used, or intended to be erected and used, exclusively for the purpose of a plant-house, summer-house (not being a dwelling-house), poultry-house or aviary, if the building be wholly detached from, and situated at a distance of at least ten feet from, the nearest adjacent building, and
- (b) any building erected or intended to be erected by, or with the sanction of, the Commissioner, for use solely as a temporary hospital for the reception and treatment of persons suffering from any dangerous disease.

(Part V.—Chapter XXII.—Buildings.—Clause 350.)

Appeal.

Appeal to the
Buildings Appeals
Committee.

350. An appeal shall lie to the Buildings Appeals Committee from—

- (a) any order of the Commissioner refusing to grant or renew a license under section 341.
- (b) any order in respect of the architectural features of any masonry building, made by the Commissioner under clause (a) of section 344,
- (c) any refusal by the Commissioner to grant special permission under clause (c) or clause (e) of section 344, section 345, or section 347,
- (d) any written notice issued by the Commissioner under section 346, and
- (e) any order made by the Commissioner refusing to grant an application made to him under section 348.

(Part V.)

CHAPTER XXIII.

BUSTEES.

Preliminary.

Power to Corporation to define and alter limits of bustees.

351. The Corporation may define the external limits of any *bustee*, and may from time to time alter such limits. [Cf. 1899, s. 398.]

Restriction on application of this Chapter to certain bustees or to masonry buildings in bustees.

352. None of the powers conferred by any of the following sections of this Chapter shall be exercisable in respect of— [Cf. 1899, s. 399.]

- (a) any *bustee* the total area of which, as comprised within the limits defined under section 351, is less than one *bigha*, or
- (b) masonry buildings in a *bustee* or lands pertaining to such buildings, unless such buildings and lands be purchased or acquired by the Corporation.

Improvement of bustees.

Power to Corporation to require preparation of standard plan by owners of bustees.

353. (1) The Corporation may at any time, if it appears to them that any *bustee*, for sanitary or other reasons, requires improvement, serve a written notice upon the owners of such *bustees* requiring them to prepare and submit a joint plan of the *bustee*, to the scale of twenty-five feet to the inch, showing— [Cf. 1899, s. 400.]

- (a) the manner in which the *bustee* should be laid out, with the huts standing in regular lines and with a free passage, in front of and behind each line, of such width as may be necessary for proper ventilation and for scavenging,
- (b) the proposed drains,
- (c) the water-supply, bathing arrangements (if any) and privy accommodation to be provided for the use of the tenants,
- (d) the streets and passages which are to be maintained for the benefit of the tenants,
- (e) the land (if any) which is to be kept as common land,
- (f) the tanks, wells and low lands which are to be filled up and the tanks which are to be conserved, and
- (g) any other proposed improvements.

(2) The streets referred to in clause (d) shall be not less than twenty feet wide and not more than two hundred feet apart, and the passages referred to in that clause shall be not less than fifteen feet wide.

(3) If there are any masonry buildings within the limits of the *bustee*, the said plan shall be so prepared as clearly to distinguish such buildings and the lands pertaining to them.

(Part V.—Chapter XXIII.—Bustees.—Clauses .
354-357.)

(4) The said plan—

- (i) shall be considered by the Corporation and modified in such manner as may be required, and
- (ii) shall, when approved by them, be deemed to be the standard plan of the *bustee*.

Preparation of standard plan by Commissioner where owners disagree, etc.

354. (1) If, after the service of a notice under section 353 on the owners of any *bustee*, such owners— [Cf. 1899, s. 401.]

- (a) do not agree among themselves in the preparation of a plan as required by such notice, or
- (b) for any reason prefer to have a plan prepared for them by the Commissioner, or
- (c) fail to comply within sixty days with such notice,

the Commissioner shall himself cause a plan to be prepared to the scale and showing the particulars prescribed in the said section.

(2) When a plan has been prepared under sub-section (1), the Corporation shall fix a day for the hearing of objections (if any) made by or on behalf of the owners of the *bustee*,

and, after hearing such objections, may, in their discretion, approve such plan either with or without modifications.

(3) Every plan of a *bustee* approved under sub-section (2) shall be deemed to be the standard plan of the *bustee*.

(4) When the Commissioner causes a plan to be prepared under sub-section (1), he may charge the said owners therefor at such rate not exceeding five rupees *per bigha* as the Corporation may fix.

Suspension of building pending preparation of standard plan.

355. When the owners of a *bustee* have been required under section 353 to prepare a plan, no new building which is a hut shall be erected and no hut shall be added to within the *bustee* until a plan has been prepared and approved under that section or under section 354. [Cf. 1899, s. 402.]

Prohibition of building contrary to standard plan.

356. When a standard plan has been approved for any *bustee* under section 353 or section 354, no new building which is a hut shall be erected and no hut shall be added to in such *bustee* unless the hut, or the portion to be added, as the case may be, occupies a site, or portion of a site, marked in the standard plan as the site for a hut. [Cf. 1899, s. 403.]

Power to Commissioner to require removal of hut not in conformity with standard plan.

357. (1) When a standard plan has been approved for any *bustee* under section 353 or section 354, the Commissioner may at any time, by written notice, require the owner of any hut in such *bustee*, which is not in conformity with the standard plan, to remove the whole or any portion of such hut. [Cf. 1899, s. 404.]

(2) When a hut or portion of a hut has been removed in compliance with a requisition made under sub-section (1), the owner shall be entitled to receive from the Municipal Fund such compensation calculated according to the estimated value of the structure removed, less the value of the materials, as the Commissioner may determine.

(Part V.—Chapter XXIII.—Bustees.—Clauses
358, 359.)

Power to Commissioner to require carrying out of other improvements in conformity with standard plan.

358. (1) The Commissioner may at any time, by written notice, require the owners of any *bustee* for which a standard plan has been prepared under section 353 or section 354—

[Cf. 1899, s. 405.]

- (a) to construct the drains, privies, streets and passages, provide the water-supply and bathing arrangements, and carry out the other improvements shown in such plan, so far as may be practicable having regard to the existing arrangement of the huts, and
- (b) if any tank, well or low land is shown in such plan as to be conserved or filled up, to conserve or fill up such tank, well or low land.

(2) Until such notice is complied with, the Commissioner may refuse to sanction the erection of a new building which is a hut or the making of any addition to any hut in the *bustee*.

Inspection, report and preparation of standard plan by registered medical practitioner and engineer, in cases requiring expedition

359. (1) If it appears to the Corporation that any *bustee*,—

[Cf. 1899, s. 406.]

- (a) by reason of the manner in which the huts are crowded together, or

- (b) for any other reason,

is in such an unhealthy condition that the procedure provided by the foregoing sections of this Chapter would be too dilatory to meet the emergency,

they may cause the *bustee* to be inspected by two persons appointed in that behalf, one of whom shall be a registered medical practitioner and the other an engineer.

(2) The said persons shall forthwith—

- (a) make, sign and submit a written report on the sanitary condition of the *bustee*, and
- (b) annex to the report a plan approved by them as a proper standard plan of such *bustee*, and
- (c) certify—

- (i) which of the improvements required to bring the *bustee* into conformity with such plan should be taken in hand forthwith in consequence of the unhealthy condition of the *bustee*, and

- (ii) which (if any) of such improvements should be deferred for action under the foregoing sections of this Chapter.

(3) The improvements referred to in sub-clause (i) and sub-clause (ii) of sub-section (2) shall be specified in two separate Schedules which shall be annexed to the report and called Schedule A and Schedule B, respectively.

(4) The said Schedules shall clearly indicate—

- (a) the huts which should wholly or in part be removed,
- (b) the streets, passages and drains which should be constructed,

(Part V.—Chapter XXIII.—Bustees.—Clauses
360-362.)

(c) the water-supply, bathing arrangements and privy accommodation to be provided for the use of the tenants,

(d) the tanks, wells and low lands which should be filled up,

(e) any other improvements which the two persons appointed under sub-section (1) may consider necessary in order to remove or abate the unhealthy condition of the *bustee*, and

(f) any masonry building within the *bustee*, and any land pertaining to such building which it may be necessary to purchase or acquire for the purpose of making such streets or passages, or effecting any such improvement.

[Cf. 1899, Sch. XVII, rule 16A (a)]

(5) A report (together with the Schedules annexed thereto) made and signed under this section by any two persons appointed under sub-section (1) shall be sufficient evidence of the result of such inspection.

Approval by Corporation of standard plan and Schedules annexed to such report.

360. (1) The Corporation shall consider every report (together with the plan and Schedules A and B annexed thereto) made under section 359, and, after hearing the objections (if any) of the owners of the *bustee* in respect of which the report has been made, may approve such plan and Schedules after making such modifications (if any) therein as they may think fit.

[Cf. 1899, s. 407.]

(2) The plan so approved shall be deemed to be the standard plan of such *bustee*.

Power to Commissioner to require owners or occupiers to carry out improvements specified in Schedule A.

361. When Schedule A, annexed to a report made under section 359, has been approved under section 360, the Commissioner may cause a written notice to be served upon—

[Cf. 1899, s. 408.]

(a) the owners or occupiers of the huts referred to in such Schedule A, or

(b) the owners of the *bustee* in which such huts are situated, or

(c) both such owners and occupiers, if the circumstances so require,

requiring them to carry out all or any of the improvements specified in that Schedule or any portion of such improvements.

Payment of expenses incurred in carrying out improvements.

362. When any improvements required by a notice under section 361 are carried out by the Commissioner under section 513, all expenses incurred thereby, including such reasonable compensation as the Commissioner may think fit to pay to the owners or occupiers of huts removed,

[Cf. 1899, s. 409.]

shall be paid by the owners of the *bustee* to the Commissioner, and shall constitute a charge upon such *bustee*:

Provided that, if it appears to the Corporation that any such owner is unable, by reason of poverty, to pay such expenses or any portion thereof, they may order the same to be paid out of the Municipal Fund.

(Part V.—Chapter XXIII.—Bustees.—Clauses
363-366.)

Disposal by the
Commissioner of
materials of
huts
pulled down.

363. (1) If, in carrying out any improvement as provided in section 361, the Commissioner causes any hut or portion of a hut to be pulled down, he shall—

[Cf. 1899, s. 410.]

(a) cause the materials of such hut or portion of a hut to be given to the owner of the hut, or,

(b) if the owner be unknown or the title to the hut be disputed, cause such materials to be sold; and

(c) hold in deposit the proceeds of the sale, together with any sum awarded as compensation under section 362.

(2) Any amount held in deposit under clause (c), shall be so held by the Commissioner until any person obtains an order from a competent Court for the payment to him of such amount.

(3) A Court of Small Causes shall be deemed to be a competent Court for the purposes of this section.

Power to Corpora-
tion to purchase or
acquire masonry
buildings or land in
bustee.

364. The Corporation may, at any time after the receipt of a report made under section 359, purchase or acquire—

[Cf. 1899, s. 411.]

(a) any masonry building within such bustee, or

(b) any land pertaining to such building, or

(c) any such building, together with the land pertaining thereto,

which is mentioned in that behalf in Schedule A or Schedule B annexed to such report.

Application of sec-
tions 356 to 358 to
bustee for which stand-
ard plan has been
approved under sec-
tion 360.

365. When a standard plan of a bustee, and any Schedule B, annexed to the report made under section 359 with respect to that bustee, have been approved under section 360—

[Cf. 1899, s. 412.]

(a) the provisions of section 356 shall apply to such bustee, and

(b) the provisions of section 357 and section 358 shall apply to such bustee in respect of the improvements indicated in that Schedule as provided in section 359, sub-section (4).

Alternative power
to Corporation to
make standard plan,
to purchase or
acquire bustee, and to
carry out improve-
ments themselves or
through purchaser or
lessee.

366. (1) Notwithstanding anything contained in sections 360 to 365, the Corporation may, after receipt of a report made under section 359 with respect to any bustee, pass a resolution to the effect that the bustee is an unhealthy area and that, in their opinion, the purchase or acquisition of the bustee, or of any portion thereof, is necessary for the purpose of making the improvements referred to in the said report.

[Cf. 1899, s. 413.]

(2) When any such resolution has been passed, the Commissioner shall make a plan for the improvement of the said bustee or portion thereof and shall lay such plan before the Corporation, together with such estimates as may be necessary for a due understanding of the same.

(3) If such plan be approved by the Corporation, they shall submit it to the Local Government, together with the said estimates and a copy of the said resolution;

(Part V.—Chapter XXIII.—Bustees.—Clauses
367, 368.)

and, if the plan be approved by the Local Government, the Corporation may purchase or acquire the said *bustee* or portion thereof;

and such plan shall be deemed to be the standard plan of the *bustee*.

(4) When any *bustee* or portion of a *bustee* has been so purchased or acquired, the Corporation shall either—

(a) sell or let the same or part thereof to any person for the purpose and under the condition that he will, as respects the land so sold or leased to him, carry out the improvements shown in such standard plan, or

(b) themselves bring the said *bustee* or portion thereof or any part of the same which has not been sold or leased under clause (a), into conformity with such standard plan.

(5) The Corporation shall take action under sub-section (4) within a period of two years from the date of their purchasing or acquiring any *bustee* or portion thereof under sub-section (3), or within such further period (if any) as the Local Government may prescribe.

(6) Whenever action is taken under clause (a) of sub-section (4), the provisions of sub-section (2) or sub-section (3) of section 477, as the case may be, shall be applicable.

Proportions of area of *bustee* to be shown in standard plan as streets, passages and open lands.

367. (1) No standard plan approved for a *bustee* under this Chapter shall, without the consent of the owners thereof, show more than—

(a) one-third of the whole area of such *bustee* as streets or passages, or

(b) one-half of such area as open lands not to be built upon, whether such open lands be common ground, streets, passages or spaces behind a line of huts.

(2) In calculating the said proportions of one-third and one-half of any such area, no tank situated therein that has not been filled up shall be taken into account.

Regulation of plots by standard plan, and compensation for adjustment of plots.

368. (1) When the land included in a *bustee* is owned by more owners than one, each owning one or more separate plots of such land, the standard plan approved under this Chapter for such *bustee* shall, as far as practicable, provide—

(a) for one or more huts being completely contained in each such plot, and

(b) for such proportion of each such plot being taken for streets, passages and open land as is specified in section 367.

(2) If a greater proportion of any one such plot than the proportion specified in section 367 is so taken, such standard plan shall indicate—

(i) the compensation which shall be payable to the owner of such plot and

(Part V.—Chapter XXIII.—Bustees.—Clauses
369-371.)

(ii) the persons who are liable to pay such compensation by reason of their benefiting by such greater proportion having been taken.

(3) If no person can equitably be called upon to pay such compensation, the same shall be paid by the Corporation.

(4) Any compensation payable under this section to the owner of any land in a *bustee* shall not be paid until such land has been brought into complete conformity with the standard plan.

Streets and passages shown in standard plan, if not public streets, to remain private.

369. (1) Every street or passage in a *bustee*, which is shown in the standard plan approved under this Chapter for that *bustee* and which is not already a public street, shall, unless the Corporation and the owners of the land on which such street or passage is situated otherwise consent as provided in section 337, be deemed to be a private street; and the portion thereof which falls on the land of each owner shall belong to such owner: [Cf. 1899, s. 418.]

Provided that any portion of any such street or passage which is situated on land purchased or acquired by the Corporation under section 364 shall remain the property of the Corporation.

(2) Every such private street shall at all times be kept open to the use of the municipal authorities for scavenging purposes and for all other purposes of this Act in such manner as the Commissioner may require, and shall also be kept open for the use of all the tenants of the *bustee*:

Provided that, notwithstanding anything contained in the Indian Limitation Act, 1908, no use of any such street shall, by reason of any lapse of time, be held to confer a right of way on the public so as to bring the street within the definition of a "public street." IX of 1908.

Bathing arrangements and privy accommodation in *bustee*, as shown in standard plan, to be kept open for use of tenants.

370. The bathing arrangements and privy accommodation in a *bustee*, which are shown in the standard plan approved under this Chapter for such *bustee* as being common to the use of all or some of the tenants of the *bustee*, shall, at all times, be kept available for the use of such tenants:

Provided that, notwithstanding anything contained in the Indian Limitation Act, 1908, if at any time the land on which any such bathing arrangements or privy accommodation are provided ceases to form part of such *bustee*, no such use shall, by reason of any lapse of time, be held to confer any right on any person so as prejudicially to affect the rights of the owner of such land. IX of 1908.

Owner of land in *bustee* to maintain certain conveniences on his land.

371. (1) The owner of any land in a *bustee*, for which a standard plan has been approved under this Chapter, shall maintain in proper order and repair, to the satisfaction of the Commissioner, such streets, passages, drains, bathing arrangements, privy accommodation, means of water-supply and other works on such land as may be shown in the plan.

(2) The Commissioner may, at any time, cause a written notice to be served upon such owner requiring him so to maintain such streets, passages, drains, bathing arrangements, privy accommodation, means of water-supply and other works.

(Part V.—Chapter XXIII.—Bustees.—Clauses
372-374.)

Rights of land-owner and hut-owner, respectively, over streets, land and drains shown in standard plan.

372. (1) The owner of any land in a *bustee*, for which a standard plan has been approved under this Chapter, shall be deemed to be the occupier of— [Cf. 1899, s. 417.]

- (a) all the streets, passages and common ground, and
- (b) all drains provided for the use of more than one hut,

on such land, so far as the same are constructed in accordance with the standard plan.

(2) The owner of any hut in such *bustee* shall be deemed to be the occupier of—

- (i) the land on which such hut stands,
- (ii) the open space behind such hut which appertains thereto, and
- (iii) every drain provided for the sole use of such hut.

Bustee when to be deemed a remodelled bustee.

373. When a *bustee* has been brought into conformity with the standard plan approved under this Chapter for such *bustee*, it shall be deemed to be a remodelled *bustee*. [Cf. 1899, s. 418.]

Power to owner to take land out of the category of *bustee* in certain cases.

374. (1) The owner of any land included in a *bustee* and bearing a separate number in the assessment-book may, at any time, whether a standard plan for the *bustee* has been prepared under this Chapter or not, send a written notice to the Commissioner that he intends to remove all the huts standing on such land: [Cf. 1899, s. 419.]

Provided that the receipt of any such notice by the Commissioner shall not be a bar to the approval by the Corporation, under this Chapter, of a standard plan of such *bustee*.

(2) From the date of such notice no application shall be entertained for erecting on such land any new building which is a hut or adding to any hut standing thereon.

(3) Such owner shall, within six months after the date of such notice, remove all huts standing on such land; and, if he does not do so, the notice shall be deemed to be cancelled.

(4) When all such huts have been so removed, such land shall, according to its situation, either—

- (i) be altogether excluded from the limits of the *bustee*, or
- (ii) be shown, in a standard plan approved for the *bustee* under this Chapter, as not being a part of such *bustee*:

Provided that if, in the standard plan, any street or passage is shown on such land, the provisions of sections 358, 361, 365, 369, 371 and 372 shall, with all necessary modifications, be deemed to apply to such street or passages.

(5) If, after all the huts standing on any land have been removed under sub-section (3), any application is received for erecting any hut on such land, the Commissioner may, by written notice, require the owner of the land to carry out such improvements therein as he may think fit.

(Part V.—Chapter XXIII.—Bustees.—Clauses
375-377.)

(6) When all the huts standing on any land within a *bustee* have been removed under sub-section (3), the Corporation may either—

- (a) cancel the standard plan (if any) already approved, under this Chapter, for such *bustee*, or
- (b) modify such plan after hearing the objections (if any) of any owner of land included in such *bustee* who, in the opinion of the Commissioner, may be injuriously affected by the modification.

Bustee Streets.

Power to Corporation to prescribe alignments for bustee streets.

375. (1) In any *bustee*, not being a remodelled *bustee*, or in any area in which it appears to the Corporation that huts are likely to be erected, the Corporation may prescribe alignments, not more than twenty feet in width, for such private streets as they may think fit.

[Cf. 1890, Sch. XVII, rule 37A.]

(2) When the land within such *bustee* or area is owned by more owners than one, each owning one or more separate plots of such land, such alignments shall, as far as practicable, be so prescribed as not to occupy, within any such plot, more than one-fourth of the area thereof.

(3) If, in any such plot, more than one-fourth of the area thereof is occupied by such alignments, the Corporation shall pay to the owner of the plot such compensation as they may deem reasonable:

Provided that no such compensation shall be paid in respect of any such plot as long as any hut or other structure is left standing within any such alignment in the plot.

(4) No hut or portion of a hut shall be erected within any alignment prescribed under sub-section (1).

(5) The provisions of section 369 shall, with all necessary modifications, be deemed to apply to every street the alignment for which has been prescribed under this section.

Power to Commissioner to require removal of existing huts within street or hut alignment in bustee.

376. In any *bustee*, at any time after the expiration of seven years from the time when any alignment has been prescribed—

- (a) for a street under section 375, or
- (b) for huts under rule 68 of Schedule XVI,

the Commissioner may, by written notice, require the owners of the land or the owners or occupiers of existing huts to remove such huts or portions thereof as fall—

- (i) within any such prescribed street alignment, or
- (ii) within six feet on either side of any such prescribed hut alignment,

as the case may be.

Power to Commissioner to require space to be kept between masonry building in bustee and centre line of bustee street.

377. Any person who erects a masonry building—

- (a) in any *bustee* in respect of which a standard plan has been approved under section 353, section 354 or section 360, or

[Cf. 1890, Sch. XVII, rule 16A.]

(Part V.—Chapter XXIII.—Bustees.—Clauses
378-380.)

(b) in any *bustee* or area in respect of which alignments for streets have been prescribed under section 375,

shall, if so required by written notice issued by the Commissioner, leave a clear space of twenty feet between the centre line of any street or passage shown in such plan, or of any street the alignment for which has been so prescribed, as the case may be, and the nearest part of such building.

Cleansing of Bustees.

Power to Corporation to employ special establishment and impose special rate for cleansing of bustee.

378. (1) The Corporation may sanction the employment of a special establishment for the cleansing of any *bustee*, and may impose on the owners of the *bustee* a rate to defray the cost of such establishment:

[Cf. 1899, n. 420.]

Provided that, without the consent of the owners, no such rate shall be imposed in respect of any remodelled *bustee*.

Power to Commissioner in other cases to secure cleansing of bustee.

379. If it appears to the Commissioner that any *bustee* for which no establishment is maintained under section 378 is in a filthy condition, he may, by written notice, require the persons deemed to be occupiers under section 372, to cleanse the *bustee* to his satisfaction.

[Cf. 1899, n. 421.]

Appeal.

Appeal to the General Appeals Committee.

380. (1) An appeal shall lie to the General Appeals Committee from—

(a) any written notice issued by the Commissioner under section 357, sub-section (1), section 358, sub-section (1), section 361, section 371, sub-section (2), section 374, sub-section (5), section 376, section 377 or section 379, and

(b) any order made by the Commissioner determining the amount of compensation payable for the removal of huts under section 357, sub-section (2), or section 362.

(Part V.)

CHAPTER XXIV.

DEMOLITION, ALTERATION AND STOPPING OF
UNLAWFUL WORK.

Demolition or
alteration of building
work unlawfully
commenced, carried
on or completed.

381. If the Commissioner is satisfied—

[Cf. 1899, a.
449.]

(1) that the erection of any new building—

(a) has been commenced without obtaining the written permission of the Commissioner, or, where an appeal has been made to the General Appeals Committee or the Buildings Appeals Committee, as the case may be; in contravention of any orders passed by the said Committee, or

(b) is being carried on or has been completed otherwise than in accordance with the particulars on which such permission or orders was or were based, or

(c) is being carried on or has been completed in breach of any provision contained in this Act or in any rules or by-laws made thereunder, or of any direction or requisition lawfully given or made under this Act or under such rules or by-laws, or

(2) that any alteration of, or addition to, any building or any other work made or done for any purpose in, to or upon any building, has been commenced or is being carried on or has been completed in breach of section 348, section 355 or section 356, or

(3) that any alterations required by any notice issued under rule 22 of Schedule XVI have not been duly made,

he may apply to a Magistrate, and such Magistrate may make an order directing that such erection, alteration, addition or other work, as the case may be, or so much thereof as has been executed unlawfully as mentioned in clause (1), clause (2) or clause (3),

or any structure, specified under the *Explanation* to clause (d) of rule 55, or the *Explanation* to clause (iv) of rule 83, of Schedule XVI as a structure to be demolished or altered, shall—

(i) be demolished by the owner thereof or altered by him to the satisfaction of the Commissioner, as the case may require, or

(ii) be demolished or altered by the Commissioner at the expense of the said owner:

Provided that the Magistrate—

(a) shall not make any order under this section without giving the owner of the building to be so demolished or altered full opportunity of adducing evidence and of being heard in his defence, and

(b) may make any such order notwithstanding the fact that a valuation of such building has been made by the Commissioner under Chapter XI for the assessment of the consolidated rate.

*(Part V.—Chapter XAIV.—Demolition, Alteration and Stopping of Unlawful Work.—Clause 382.)*Demolition
alteration of work in
other cases.**382.** In any of the following cases, namely,—[Cf. 1899, n.
450.]

- (1) if, within the period prescribed in any notice issued under section 319, sub-section (1), requiring the removal or alteration of a portion of a building or a fixture, the same be not duly removed or altered, or
- (2) if the owner of any building erected or added to between a street alignment and the building-line fails to remove such building or addition when called upon by the Commissioner to do so under section 322, sub-section (3), or
- (3) if any person who makes any additions to a building in pursuance of an agreement executed under section 322, sub-section (5), fails to remove such additions when called upon by the Commissioner to do so, or
- (4) if the owner of any building erected or added to under the provisions of section 328 fails to remove such building or addition when called upon to do so, or
- (5) if the owner of any building, which is unfit for human habitation, fails to demolish such building when required to do so under section 398, sub-section (2), or
- (6) if any privy or urinal be placed in contravention of rule 21 or rule 22, sub-rule (1), of Schedule XIV, or
- (7) if any person, after erecting a service-privy or service-urinal authorized under the proviso to rule 22, sub-rule (1), of Schedule XIV, fails to pay any sum required under that proviso, or
- (8) if, within the period prescribed in any notice issued under rule 2, sub-rule (5), of Schedule XV, requiring the owner or occupier of a building to comply with any condition on which the erection of any verandah or other projection was permitted, such condition is not complied with, or
- (9) if, within the period prescribed in any notice issued under rule 2, sub-rule (6), of Schedule XV, requiring the owner or occupier of a building to remove a verandah or other projection, the same be not duly removed, or
- (10) if, within the period prescribed in any notice issued under rule 7, sub-rule (2), of Schedule XVI, requiring the owner of a building to remove or alter an external roof or wall made of inflammable material, the same be not duly removed or altered, or
- (11) if any owners or occupiers neglect to execute any works, or to take any measures required by any notice affixed under rule 6, sub-rule (1), of Schedule XVII,

the Commissioner may apply to a Magistrate, and such Magistrate may make an order directing that the projection, building, portion of the building, block of

(Part V.—Chapter XXIV.—Demolition, Alteration and Stopping of Unlawful Work.—Clause 383.)

buildings, verandah, fixture, additions, roof; wall, privy or urinal, as the case may be, shall—

- (a) be demolished by the owner thereof or altered by him to the satisfaction of the Commissioner, or
- (b) be demolished or altered by the Commissioner at the expense of such owner:

Provided that the Magistrate—

- (i) shall not make any order under this section without giving the owner of the structure to be so demolished or altered full opportunity of adducing evidence and of being heard in his defence, and
- (ii) may make any such order notwithstanding the fact that a valuation of such building has been made by the Commissioner under Chapter XI for the assessment of the consolidated rate.

Power to Commissioner to stop progress of building work unlawfully commenced or carried on.

383. (1) In any case in which the erection of a new building, or any other work referred to in section 381, has been commenced, or is being carried on unlawfully as mentioned in that section, the Commissioner may, by written notice, require the person carrying on such erection or other unlawful work to stop the same, pending the decision of a Magistrate on an application to be made to him under that section. [Cf. 1899, s. 451.]

(2) If any notice issued under sub-section (1) is not duly complied with, the Commissioner may, with the assistance of the police if necessary, take such steps as he may deem needful in order to stop the continuance of the unlawful work.

(3) If it appears to the Commissioner that it is necessary, in order to prevent the continuation of the unlawful work, to depute any police or municipal officer to watch the premises, the cost of providing the same shall be borne by the person to whom the said notice was addressed.

(Part V.)

CHAPTER XXV.

LIGHTING AND SCAVENGING, AND REGULATION OF
PUBLIC BATHING AND WASHING.

Lighting.

Provision for lighting of public streets, markets and buildings.

384. (1) The Commissioner shall—

[Cf. 1899, a. 422.]

- (a) take measures for lighting, in a suitable manner, the public streets and municipal markets and all buildings vested in the Corporation;
- (b) procure, erect and maintain such number of lamps, lamp-posts and other appurtenances as may be necessary for such lighting; and
- (c) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the Corporation may from time to time determine.

(2) The Commissioner may place and maintain—

- (i) electric wires or gas-pipes for the purpose of lighting such lamps, under, over, along or across any immovable property, and
- (ii) posts, poles, standards, stays, struts, brackets, tunnels, culverts or any other suitable contrivance for carrying, suspending, or supporting such lamps, gas-pipes or electric wires in or upon any immovable property;

Provided that such pipes, wires, posts, poles, standards, stays, struts, brackets, tunnels, culverts or other contrivance shall be so placed as to occasion as little damage, detriment, inconvenience or nuisance to any person as the circumstances permit.

(3) The Commissioner shall not be liable to any claim for compensation for any damage, detriment, inconvenience or nuisance caused by him, or by any one employed by him, in the exercise of any of the powers conferred by this section.

Railways, streets, etc., not to be constructed over municipal gas-pipe without permission.

385. (1) Without the written permission of the Commissioner—

[Cf. 1899, a. 427.]

- (a) no railway or private street shall be constructed, and
- (b) no building, wall or other structure shall be newly erected,

over any gas-pipe belonging to the Corporation.

(2) If any railway or private street be so constructed, or if any building, wall or structure be so erected, the Commissioner may cause the same to be removed or otherwise dealt with as he may think fit,

and the expenses incurred by the Commissioner in so doing shall, in the discretion of the Commissioner, be paid by the owner thereof, or by the person offending.

(Part V.—Chapter XXV.—Lighting and Scavenging,
and Regulation of Public Bathing and Washing.
—Clauses 386, 387.)

Scavenging.

Provision or ap-
pointment of recep-
tacles, depôts and
places for deposit or
disposal of rubbish,
offensive matter,
sewage and carcasses.

386. (1) The Commissioner shall provide or appoint, in proper and convenient situations, public receptacles, depôts and places for the temporary deposit or final disposal of rubbish, offensive matter, sewage and the carcasses of dead animals accumulating in Calcutta:

[Cf. 1899,
no. 420 and
483.]

Provided as follows:—

(i) the said things shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sanction of the Corporation, or in any place or manner which the Local Government may disallow;

(ii) the powers conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

(2) Any land that may be required in a *bustee* for the temporary deposit or final disposal of rubbish, offensive matter, sewage or carcasses taken from land or buildings in such *bustee* shall be provided by the owners of the *bustee*.

(3) All things deposited in receptacles, depôts or places provided or appointed under this section shall be the property of the Corporation.

Collection and
temporary deposit of
rubbish and offensive
matter by occupiers
of premises.

387. (1) The Commissioner may, by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter of Calcutta specified in the notice shall be collected by the occupier of such premises and deposited in a box, basket or other receptacle, of a kind prescribed by the Commissioner, to be provided by such occupier and kept near the entrance to, or, where open space is available, within, the premises.

[Cf. 1899,
no. 420]

(2) The Commissioner may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situations in streets or quarters in respect of which no notice issued under sub-section (1) is for the time being in force,

and may, by public notice, direct that all rubbish and offensive matter accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle, shall be collected by the occupier of such premises and deposited in such receptacle.

(3) The Commissioner may, by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter in respect of which no notice issued under sub-section (1) or sub-section (2) is for the time being in force, shall be collected by the occupier of such premises and deposited in lump in the street on which such premises abut or in some portion of such premises.

(4) In any notice issued under any of the foregoing sub-sections, the Commissioner shall prescribe the hours within which rubbish and offensive matter shall be deposited under this section.

*(Part V.—Chapter XXV.—Lighting and Scavenging,
and Regulation of Public Bathing and Washing.
—Clauses 388-393.)*

Collection and removal of rubbish and offensive matter accumulating in the course of business or building operations.

388. Notwithstanding anything contained in section 387, when building operations are being carried on in any premises, or when any premises are used for carrying on any manufacture, trade or business, the Commissioner may,—

(a) by written notice, direct the occupier of such premises to collect all rubbish and offensive matter accumulating on such premises in the course of such operations, manufacture, trade or business and to remove the same, at such times, in such carts or receptacles, and by such routes as may be specified in the notice, to a public receptacle, depôt or place provided or appointed under section 386; or,

(b) after giving such occupier written notice of his intention so to do, himself cause all such rubbish and offensive matter to be removed, and charge such occupier for such removal such periodical fee as may, with the sanction of the Corporation, be specified in such notice.

Establishment for removal of sewage, etc., and the scavenging of streets.

389. The Corporation shall maintain an establishment under the control of the Commissioner for the removal of sewage from privies and urinals which are not connected with a sewer, and of offensive matter and rubbish from receptacles, depôts and places provided or appointed under section 386, or under any by-law made under this Act, and for the daily cleansing and scavenging of streets and premises.

Presumption as to offender.

390. If in any case it is shown that rubbish, offensive matter or sewage has been deposited in any place in contravention of any by-law made under this Act, from some land or building, it shall be presumed, unless and until the contrary is proved, that the offence has been committed by the occupier of the said land or building.

Notice to be given by mehters, etc., before withdrawing from work.

391. No mehter or other servant of the Corporation, who is employed to remove or otherwise deal with sewage, offensive matter or rubbish, shall, without the permission of the Commissioner, withdraw from his duties without giving written notice, not less than one month previously, of his intention so to withdraw.

Public bathing and washing.

Construction of places for public bathing, etc.

392. The Commissioner may from time to time—

(a) construct suitable places for use by the public as swimming baths or for bathing, or for washing animals, or for washing or drying clothes, and

(b) prohibit, by public notice, the use by the public, for any of the said purposes, of any place not so constructed.

Control by the Corporation.

Control by Corporation.

393. The Commissioner shall, in the performance and exercise of the duties and powers imposed and conferred on him by this Chapter, be subject to the control of the Corporation.

(Part V.)

CHAPTER XXVI.

MUNICIPAL RAILWAYS.

Power to Corporation to construct, lease and otherwise deal with railways

394. With the previous sanction of the Government of India, the Corporation may— [Cf. 1899, s. 355.]

- (a) upon any of the public streets in Calcutta, or upon any land in or without Calcutta which is vested in the Corporation, construct or maintain any railway which may appear to the Corporation to be useful or necessary for the removal of rubbish and offensive matter or for any of the other purposes of this Act,
- (b) use and employ upon any such railway locomotive engines or other motive power, and carriages and wagons to be drawn or propelled thereby,
- (c) carry and convey passengers and goods upon any such railway,
- (d) make such reasonable charges in respect of such passengers or goods as the Corporation may from time to time determine,
- (e) from time to time enter into any contract with any person for the construction, maintenance and working of any such railway in or without Calcutta,
- (f) from time to time enter into any contract with any person for the passage over any such railway of locomotive engines or other motive power, carriages and wagons belonging to or controlled by such person, upon the payment of such tolls or rent, and under such conditions and restrictions, as may be mutually agreed upon, and
- (g) lease any such railway to any person, upon such terms and under such conditions and restrictions as may be mutually agreed upon.

Certain powers to lessee of Corporation's railway.

395. Any person to whom a railway is leased under clause (g) of section 394 shall, subject to the terms, conditions and restrictions of his lease, have the same powers for— [Cf. 1899, s. 355.]

- (i) maintaining the railway.
- (ii) using and employing thereupon locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby, and
- (iii) carrying and conveying thereupon passengers and goods and making charges in respect thereof,

as the Corporation would have had if the railway had not been so leased.

(Part V.)

CHAPTER XXVII.

INSPECTION AND REGULATION OF PREMISES, AND OF
FACTORIES, TRADES AND PLACES OF PUBLIC
RESORT.*Premises generally.*

Rules for inspection
and regulation of
premises.

396. Subject to the provisions of this Act, land and buildings shall respectively be inspected, cleansed, secured, repaired, drained, or otherwise regulated in accordance with the rules contained in Schedule XVII.

[See 1890,
Chapter
XXIX.]

Procedure in case of
buildings deemed
unfit for human
habitation

397. (1) If, for any reason, any building or portion of a building intended for, or used as, a dwelling-place appears to the Commissioner to be unfit for human habitation, he may apply to a Magistrate to prohibit the further use of such building or portion thereof for such purpose:

[Cf. 1890, s.
44.]

and the Magistrate, after such inquiry as he thinks fit to make, may, by written order, prohibit the further use thereof, or may pass such other order as he may deem just and proper.

(2) When any such prohibition has been made, the Commissioner may—

- (i) inspect such building by day or by night, and
- (ii) take such order as may be necessary to preclude the further use of the same, or of the portion specified in the prohibition, as a human habitation.

(3) When any such prohibition has been made, no owner or occupier of such building shall use, or suffer the same, or the portion specified in the prohibition, to be used for human habitation until—

- (a) the Commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or
- (b) a Magistrate, by written order, withdraws the prohibition.

Power to Commis-
sioner to require
demolition of build-
ing unfit for human
habitation.

398. (1) When a Magistrate has prohibited the use of a building for human habitation under section 397 and such prohibition has been in force for three months, the Commissioner shall take into consideration the question of the demolition of such building,

[Cf. 1890,
Chapter
XXIX.]

and shall give notice of the time (being some time not less than one month after the service of the notice) and place at which such question will be considered to the owner, if he be known and resident in Calcutta, or to the occupier (if any) of the building.

and the said owner or occupier, as the case may be, shall be entitled to be heard when the question is so taken into consideration.

(2) If, upon such consideration, the Commissioner is of opinion that the building has not been rendered fit for human habitation, and that the necessary steps

(Part V.—Chapter XXVII.—*Inspection and Regulation of Premises, and of Factories, Trades and Places of Public Resort.*—Clauses 399, 400.)

are not being taken with all due diligence to render it so fit,

he shall cause a written notice to be served on the said owner or occupier and also to be put on some conspicuous part of such building, requiring such owner or occupier to demolish the building.

(3) If such owner or occupier undertakes to execute forthwith the work necessary to render the building fit for human habitation, and the Commissioner considers that it can be so rendered fit for human habitation,

the Commissioner may postpone the operation of the said notice for such time, not exceeding six months, as he thinks sufficient for the purpose of giving the said owner or occupier an opportunity of executing the necessary work.

Power to Commissioner to call for statement of accommodation.

399. (1) The owner of any building shall, within a period of seven days after receipt of a written notice from the Commissioner requiring him so to do, submit to the Commissioner a signed statement of the following particulars with respect to such building or any part thereof, namely,—

[Cf. Bom. Act III of 1888, s. 379.]

- (a) the total number of rooms in the building,
- (b) the length, breadth and height of each room, and
- (c) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement, with the particulars specified in clause (a) and clause (b) in regard to each such part.

(2) The occupier of any building or of any part of any building occupied as a separate tenement shall, on like notice and within the like period, submit a signed statement of the following particulars with respect to the building or part thereof, as the case may be, which is in his occupation, namely,—

- (i) the total number of persons dwelling in such building or part,
- (ii) the manner of use of each room by day and by night, and
- (iii) the number, sex and age of the occupants of each room used for sleeping.

Abatement of overcrowding in dwelling-house or dwelling-place.

400. (1) If it comes to the knowledge of the Commissioner, from a statement received under section 399, or after an inspection made under rule 1 of Schedule XVII, or in any other way, that a dwelling-house, or a public building or hut which is used as a dwelling-place, or any room in any such house, public building or hut, is so overcrowded as to endanger the health of the inmates thereof, he may apply to a Magistrate to abate such overcrowding;

[Cf. 1899, s. 446.]

and the Magistrate, after such inquiry as he thinks fit to make, may, by written order, require the owner of the building or room, within a reasonable time (not exceeding four weeks) to be prescribed in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

(Part V.—Chapter XXVII.—Inspection and Regulation of Premises, and of Factories, Trades and Places of Public Resort.—Clauses 401, 402.)

(2) The Corporation may, by written order, declare what amount of superficial and cubic space shall be deemed, for the purposes of sub-section (1), to be necessary for each occupant of a building or room.

(3) If the owner of any building or room referred to in sub-section (1) has sub-let the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every lodger, tenant or other inmate of a building or room to vacate the same on being required by the owner so to do in pursuance of any requisition made under sub-section (1).

Factories, Trades and Places of Public Resort.

Factory, etc., not to be newly established, etc., without permission of the Commissioner.

401. (1) No person shall, without the previous written permission of the Commissioner, newly establish in any premises, or materially alter, enlarge or extend, any factory, workshop or workplace in which it is intended to employ steam, water or other mechanical power. [Cf. 1899, s. 468.]

(2) The Commissioner may refuse to give such permission, if he is of opinion that the establishment, alteration, enlargement or extension of such factory, workshop or workplace in the proposed position would be objectionable by reason of the density of the population in the neighbourhood thereof, or would be a nuisance to the inhabitants of the neighbourhood.

Premises not to be used for certain purposes without a license.

402. (1) No person shall use or permit to be used any premises for any of the following purposes without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf, namely,— [Cf. 1899, s. 466(1).]

(a) any of the purposes specified in Schedule XVIII;

(b) any purpose which is, in the opinion of the Commissioner, dangerous to life, health or property, or likely to create a nuisance;

(c) keeping horses, cattle or other four-footed animals for sale or hire or for sale of the produce thereof; or

(d) storing for other than his own domestic use, or selling timber, firewood, charcoal, coal, coke, ashes, hay, grass, straw or any other combustible thing.

(2) When any premises in the occupation of a lessee are used for any of the purposes referred to in sub-section (1), the lessor shall be presumed, unless and until the contrary is proved, to have permitted their use for such purpose. [Cf. 1899, s. 466(3).]

(3) The Corporation shall fix a scale of fees to be paid in respect of premises licensed under sub-section (1): [Cf. Ben. 1899, s. 467.]

Provided that no such fee shall exceed five hundred rupees.

(4) Nothing in this section shall apply to mills for spinning or weaving cotton, wool, silk or jute. [Cf. 1899, s. 466(4).]

(Part V.—Chapter XXVII.—Inspection and Regulation of Premises, and of Factories, Trades and Places of Public Resort.—Clauses 403-405.)

Power to Corporation to prevent use of premises in particular areas for purposes referred to in section 402.

403. (1) The Corporation may give public notice of their intention to declare that in any area specified in the notice no person shall use any premises for any of the purposes referred to in section 402, sub-section (1). [Cf. 1899, s. 469.]

(2) No objections to any such declaration shall be received after a period of one month from the publication of such notice.

(3) The Corporation shall consider all objections received within the said period, and may thereupon make a declaration in accordance with the notice published under sub-section (1), with such modifications (if any) as they may think fit, but not so as to extend its application.

(4) Every such declaration shall be published in the *Calcutta Gazette* and shall take effect from the date of such publication.

(5) No person shall in any area specified in any such declaration use any premises for any of the said purposes.

Power to Corporation to direct discontinuance of use of premises for certain purposes near dwelling-houses.

404. (1) If it be shown to the satisfaction of the Corporation that the use of any premises, situated near dwelling-houses, for any of the purposes referred to in section 402, sub-section (1), is injurious to the health or material comfort of the occupants of such houses, or [Cf. 1899, s. 470.]

if any premises situated within fifty feet of a dwelling-house are used for any of the said purposes, or

if the owners of any buildings situated within one hundred feet of any premises used for any of the said purposes make an application to the Corporation in this behalf and deposit with the Corporation the sum required for purchasing or acquiring the said premises, as estimated by the Commissioner, and also undertake to pay any further expenses to which the Corporation may be put,

the Corporation may, by written notice, require the occupier of the said premises to discontinue such use within one month after the service of the notice:

Provided that no such notice shall be issued in respect of any premises so situated which are used solely as cow-houses or stables.

(2) When the use of any premises for any of the said purposes has been discontinued in pursuance of a notice issued under sub-section (1), no compensation shall be payable for loss arising from such discontinuance,

but the Corporation shall be bound to purchase both the land and the buildings from the owner; and, if the Corporation are unable to agree with the owner as to the price to be paid, the land and buildings may be acquired under the Land Acquisition Act, 1894. [Cf. 1894, s. 1 of 1894.]

Power to Magistrate to direct discontinuance of use of premises for particular purpose, when kept so as to be a nuisance.

405. Whenever a Magistrate imposes a fine on any person under section 492 for using or permitting the use of any premises for any purpose in contravention of section 402, sub-section (1), he may, if it is proved to his satisfaction that such premises are kept in such a state as to be a nuisance, also direct that they shall no longer be used for the said purpose. [Cf. 1899, s. 471.]

(Part V.—Chapter XXVII.—Inspection and Regulation of Premises, and of Factories, Trades and Places of Public Resort.—Clauses 406, 407.)

Prohibition of fouling of water in carrying on trade or manufacture.

406. (1) No person engaged in any trade or manufacture specified in Schedule XVIII shall—

[Cf. 1899, s. 472.]

- (a) wilfully cause or suffer to flow or be brought into any tank, reservoir, cistern, well, duct or other place for the storage or accumulation of water belonging to the Corporation; or into any drain or pipe communicating therewith, any washing or other substance produced in the course of such trade or manufacture; or
- (b) wilfully do any act connected with any such trade or manufacture whereby the water in any such tank, reservoir, cistern, well, duct or other place is fouled or corrupted.

(2) The Commissioner may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade, lay open and examine the said works, pipes or conduits.

(3) If, upon such examination, it appears that sub-section (1) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination, and of any measure which the Commissioner, in his discretion, may require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof, or through whose neglect or fault the said sub-section has been contravened.

(4) But if, upon such examination, it appears that there has been no contravention of sub-section (1), the said expenses and compensation for any damage occasioned by the said laying open and examination, shall be paid by the Commissioner.

Eating-houses not to be licensed without certificate from Commissioner.

407. (1) No license in respect of any eating-house or other place where food is sold for consumption on the premises shall be granted under the Bengal Excise Act, 1909, the Calcutta Suburban Police Act, 1866, or the Calcutta Police Act, 1866, until the applicant for such license has produced a certificate from the Commissioner that the premises sought to be licensed (including the kitchen or other place where the food is prepared) are kept in a clean and sanitary condition.

Ben. Act V of 1909.
Ben. Act II of 1866.
Ben. Act IV of 1866.

(2) The Commissioner may at any time cancel any such certificate if he is of opinion that the premises covered thereby are no longer kept in a clean and sanitary condition or in conformity with the provisions of any by-law made under section 481, relating to such premises;

and upon the cancellation of such certificate, any license referred to in sub-section (1) shall forthwith be deemed to be suspended until the licensee obtains a fresh certificate from the Commissioner.

(Part V.—Chapter XXVII.—Inspection and Regulation of Premises, and of Factories, Trades and Places of Public Resort.—Clauses 408, 409.)

Licensing and control of theatres and places of public amusement.

408. No person shall, without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf, keep open any theatre or other place of public resort, recreation or amusement.

Appeal.

Appeal to the General Appeals Committee.

409. An appeal shall lie to the General Appeals Committee from—

[See Ben. 1899, s. 468 (1).]

- (a) any notice issued by the Commissioner under section 398, sub-section (2),
- (b) any refusal by the Commissioner to postpone, under section 398, sub-section (3), the operation of a notice issued under sub-section (2) of that section,
- (c) any refusal by the Commissioner to grant a written permission under section 401, or a license under section 402 or section 408, or a certificate under section 407, sub-section (1), and
- (d) any cancellation by the Commissioner, under section 407, sub-section (2) of any certificate.

(Part V.)

CHAPTER XXVIII.

MARKETS, BAZARS AND SLAUGHTER-PLACES.

Power to Corporation to provide and maintain municipal markets, slaughter-houses and stock-yards.

410. (1) The Corporation may—

[Cf. 1899, s. 477.]

(a) construct, purchase or take on lease any land or building for the purpose of establishing a new municipal market or a new municipal slaughter-house or municipal stock-yard, or of extending or improving any existing municipal market, municipal slaughter-house or municipal stock-yard, and

(b) from time to time build and maintain such municipal markets, municipal slaughter-houses and municipal stock-yards and such stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in, or frequenting, such markets, slaughter-houses or stock-yards, and provide and maintain in such municipal markets such buildings, places, machines, and correct weights, scales and measures for weighing and measuring goods sold therein, as they may think fit.

(2) Municipal slaughter-houses and municipal stock-yards may be situated in or, with the sanction of the Local Government, without Calcutta.

Power to Corporation to close municipal markets, slaughter-houses, and stock-yards.

411. The Corporation may at any time close any municipal market, municipal slaughter-house or municipal stock-yard; and the premises occupied for any market, slaughter-house or stock-yard so closed may be disposed of as the property of the Corporation.

[Cf. 1899, s. 478.]

Power to Commissioner to license vendors in municipal markets.

412. (1) No person shall, without a license from the Commissioner, sell or expose for sale any animal or article in any municipal market.

[Cf. 1899, s. 479.]

(2) Any person contravening sub-section (1) may be summarily removed from such market by the Commissioner or by any municipal officer or servant.

Power to Corporation to permit opening of new private markets.

413. (1) The Corporation shall from time to time determine whether the establishment of new private markets shall be permitted in Calcutta or in any specified portion thereof.

[Cf. 1899, s. 480.]

(2) No person shall establish a new private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any other article of human food, except with the sanction of the Corporation.

(3) When the establishment of a new private market has been so sanctioned, the Commissioner shall cause a notice of such sanction to be affixed in the English, Bengali, Hindi and Urdu languages on some conspicuous spot on or near the building or place where such market is to be held.

Part V.—Chapter XXVIII.—Markets, Bazars and Slaughter-places.—Clauses 414, 415.)

Power to Commission-
sioner to license
private markets,
slaughter-houses and
stock-yards.

414. (1) No person shall, without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf,—

[Cf. 1899, ss. 481 and 482.]

- (a) keep open any private market, or wilfully or negligently permit any place to be used as a private market;
- (b) use any place in Calcutta as a slaughter-house or stock-yard, or for the slaughtering of any animal intended for human food; or
- (c) use any place without Calcutta, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in Calcutta;

Provided as follows:—

- (i) the Commissioner shall not refuse, suspend or cancel any license for keeping open a private market—

for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some by-law made under section 481, at the time in force, or without the sanction of the Corporation;

- (ii) nothing in the foregoing provisions of this section shall be deemed to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony;
- (iii) nothing in the foregoing provisions of this section shall be deemed to prevent the Corporation from setting apart places for the sacrifice of animals in accordance with religious custom, and for the sale of the flesh thereof.

(2) There shall be paid in respect of every place set apart under proviso (iii) to sub-section (1) such annual fee as may be prescribed by the Corporation.

(3) If any private market or any place set apart under proviso (iii) to sub-section (1) be closed for more than half of any year for which a fee has been paid, the Commissioner may refund the whole or any portion of the fee so paid for that year.

(4) When the Commissioner has refused, suspended or cancelled any license to keep open a private market, he shall cause a notice of his having so done to be affixed in the English, Bengali, Hindi and Urdu languages on some conspicuous spot on or near the building or place where such market has been held.

Power to Magis-
trate to close un-
authorized private
market.

415. Whenever a Magistrate imposes a fine on any person under section 492 for keeping open a private market or permitting any place to be used as a private market in contravention of section 414, sub-section (1), he shall, on the application of the Commissioner, but not otherwise, also direct that such market be closed and appoint persons, or take other steps, to prevent the place being used as a market.

[Cf. 1899, s. 483.]

(Part V.—Chapter XXVIII.—Markets, Bazars and Slaughter-places.—Clauses 416-419.)

Prohibition of use of market closed.

416. No person shall use as a market any place in respect of which a direction has been given by a Magistrate under section 415. [Cf. 1899, s. 484.]

Power to Commissioner to require paving and draining of private markets, etc.

417. The Commissioner may, by written notice, require the owner or occupier of any private market, bazar, private slaughter-house or place set apart under proviso (iii) to section 414— [Cf. 1899, s. 485.]

- (a) to cause the whole or any portion of the floor of the market-building, market-place, bazar, slaughter-house or place set apart as aforesaid to be paved with dressed stone or other suitable material, and
- (b) to cause such drains to be made in or from the market-building, market-place, bazar, slaughter-house or place set apart as aforesaid, of such material, size and description, at such level, and with such outfall as to the Commissioner may appear necessary.

Power to Corporation to define limits of market and to require provision and maintenance of market approaches, etc.

418. (1) The Corporation may— [Cf. 1899, ss. 486 and 487.]

- (a) define or determine the limits of any private market or bazar, or declare what portions of such market or bazar shall be made part of the existing approaches and roads to or in such market or bazar, and
- (b) by written notice, require the owner or occupier of such market or bazar to—
 - (i) lay out, construct, alter, clear, widen, pave, drain and light, to the satisfaction of the Commissioner, such approaches, roads, passages and ways to or in such market or bazar, and
 - (ii) provide such conveniences for the use of persons resorting to such market or bazar,

as the Corporation may think fit.

(2) The Commissioner may, by written notice, require the owner or occupier of any private market or bazar to maintain in proper order the approaches, roads, passages and ways to or in such market or bazar, and such other conveniences as are provided for the use of persons resorting thereto.

(3) The Commissioner shall cause a notice of the limits of any market or bazar, defined under subsection (1), to be affixed in the English, Bengali, Hindi and Urdu languages on some conspicuous spot on or near the building or place where such market or bazar is held.

Power to Commissioner to levy charges, farm rents, etc., in municipal markets, etc.

419. The Commissioner may— [Cf. 1899, s. 489.]

- (a) charge such stallages, rents and fees—
 - (i) for the occupation or use of any stall, shop, standing, shed or pen in a municipal market, municipal slaughter-house or municipal stock-yard,

(Part V.—Chapter XXVIII.—Markets, Bazars and Slaughter-places.—Clauses 420, 421.)

(ii) for the right to expose goods for sale in a municipal market,

(iii) for the use of machines, weights, scales and measures provided under clause (b) of section 410 for any municipal market, and

(iv) for the right to slaughter animals in any municipal slaughter-house and the feed of such animals before they are ready for slaughter,

as may from time to time be fixed by the Corporation in this behalf; or

(b) with the sanction of the Corporation, farm the stallages, rents and fees leviable as aforesaid, or any portion thereof, for such period as he may think fit; or

(c) put up to public auction, or, with the sanction of the Corporation, dispose of by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a municipal market, municipal slaughter-house or municipal stock-yard, for such period and on such conditions as he may think fit.

Power to Commissioner to expel person contravening by-laws.

420. The Commissioner may—

[1899, s. 492.]

(a) expel from any municipal market, municipal slaughter-house or municipal stock-yard any person who or whose servant has been convicted of contravening any by-law made under section 481, at the time in force in such market, slaughter-house or stock-yard,

(b) prevent such person, by himself or his servants, from further carrying on any trade or business in such market, slaughter-house or stock-yard, or occupying any stall, shop, standing, shed, pen or other place therein, and

(c) determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

Appeal.

Appeal to the General Committee.

421. An appeal shall lie to the General Appeals Committee from any notice issued by the Commissioner under section 417. clause (a) or clause (b). [G. 1899, s. 485 (2).]

(Part V.)

CHAPTER XXIX.

FOOD AND DRUGS.

Sale of Food and Drugs.

Licensing of butchers and of sale of meat, etc., outside market.

422. (1) No person shall, without or otherwise than in conformity with the terms of a license granted by the Commissioner in that behalf,—

[Cf. 1899, Act 498 and 494.]

(a) carry on in Calcutta, or at any municipal slaughter-house without Calcutta, the trade or business of a butcher; or

(b) sell or expose for sale any four-footed animal, or any meat or fish intended for human consumption, in any place other than a municipal market or a private market.

(2) Nothing in clause (b) of sub-section (1) shall apply—

(a) to the sale of meat or fish in any hotel or eating-house for consumption on the premises; or

(b) to fresh fish sold from, or exposed for sale on, a vessel in which it has been brought direct to Calcutta after being caught at sea or in the river.

Licensing of dealers in milk.

423. (1) No person shall, without or otherwise than in conformity with the terms of a license granted by the Commissioner in that behalf,—

[Cf. Bom. Act III of 1898, s. 412 A.]

(a) carry on in Calcutta the trade or business of a dealer in, or importer or seller or hawker of, milk; or

(b) use any place in Calcutta for the sale of milk.

(2) Nothing in sub-section (1) shall apply to the sale of milk in any hotel or eating-house for consumption on the premises.

Prohibition of sale, etc., of adulterated food or drugs.

424. (1) No person shall sell, expose for sale, or manufacture or store for sale, any food or drug which is adulterated:

[Cf. 1899, s. 495.]

Provided that an offence shall not be deemed to be committed under this section in the following cases, namely:—

(a) where any matter or ingredient not injurious to health has been added to any article of food or to any drug because the same is required for the production or preparation thereof, as an article of commerce in a state fit for carriage or consumption, and not fraudently to increase the bulk, weight or measure of the article or to conceal the inferior-quality thereof; or

(b) where any article of food or any drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

(Part V.—Chapter XXIX—Food and Drugs.—
Clause 425.)

(2) In any prosecution under this section it shall be no defence to allege that the vendor, manufacturer or storer was ignorant of the nature, substance or quality of the article sold, exposed for sale, or manufactured or stored for sale, by him.

(3) In any prosecution under this section the Court shall, unless and until the contrary is proved, presume that any article of food or any drug found in the possession of a person who is in the habit of manufacturing or storing like articles has been manufactured or stored for sale by such person.

(4) No proceedings shall be instituted under this section without the written order of the Commissioner.

Prohibition of sale, etc., of certain articles which are not of the prescribed standard of purity.

425. (1) Notwithstanding anything contained in section 424, no person shall sell, expose for sale, or manufacture or store for sale, any of the following articles, namely:—

[Cf. Bom. Act 111 of 1888, ss. 416 and 417A.]

(a) milk (other than condensed milk in hermetically-closed receptacles),

(b) ghee.

(c) mustard oil, and

(d) any other article of food or any drug which may be notified by the Local Government in that behalf.

unless the following conditions are fulfilled, namely:—

(i) in the case of milk (other than condensed milk in hermetically-closed receptacles)—

the animal from which the milk is derived, shall be distinctly stated in such manner as the Commissioner may, by general or special order, require, and the article sold, exposed for sale, or stored for sale, as the case may be, shall be the natural secretion from the udder of such animal, from which no ingredient has been extracted and to which no water or other substance (including any preservative) has been added, and shall not contain a less proportion of non-fatty solids and of fat than such as the Local Government may prescribe;

[Cf. 62 & 68, Vict., c. 51, s. 4, and the Sale of Milk Regulations, No. 657 of 1901.]

(ii) in the case of ghee—

it shall not contain any substance which is not derived exclusively from milk;

(iii) in the case of mustard oil—

it shall be derived exclusively from mustard seed; and

(iv) in the case of any food or drug notified by the Local Government under clause (d)—

it shall fulfil such conditions as may be prescribed by the Local Government, in such notification.

(2) No person shall sell, expose for sale, or manufacture or store for sale, any thing which is similar to any of the articles specified in sub-section (1), or

[Cf. Edw. 7, c. 21, ss. 8 to 10.]

(Part V.—Chapter XXIX.—Food and Drugs.—
Clauses 426-429.)

to any article notified by the Local Government under sub-section (1), under a name which in any way resembles the name of such article.

(3) In any prosecution under this section it shall be no defence to allege that the vendor, manufacturer or storer was ignorant of the nature, substance or quality of the article sold, exposed for sale, or manufactured or stored for sale, by him.

(4) In any prosecution under this section the Court shall, unless and until the contrary is proved, presume that any milk, ghee, mustard oil or any article notified by the Local Government under sub-section (1), found in the possession of a person who is in the habit of manufacturing or storing like articles, has been manufactured or stored for sale by such person.

(5) No proceedings shall be instituted under this section without the written order of the Commissioner.

Prohibition of adulterants in places where ghee, mustard oil, etc., are manufactured or stored.

426. (1) No person shall keep or permit to be kept in any factory in which ghee, mustard oil or any article notified by the Local Government under section 425, sub-section (1), is manufactured or stored, any substance intended to be used for the adulteration of such ghee, mustard oil or other article. [Cf. 7 Edw. 7, c. 21, s. 3.]

(2) If any article capable of being so used is found in any such factory, the Court shall, unless and until the contrary is proved, presume, in any prosecution under this section, that it is intended so to be used.

Prohibition of sale of diseased animals or unwholesome articles intended for human food.

427. (1) No person shall sell, expose for sale, or keep for sale, any animal, food or drug intended for human consumption, or manufacture any such food or drug, which is diseased, unsound, unwholesome or unfit for human food. [Cf. 1899, s. 496.]

(2) In any prosecution under this section the Court shall, unless and until the contrary is proved, presume that any animal, food or drug found in the possession of a person who is in the habit of keeping animals of that class intended to be used for human consumption, or of keeping or manufacturing such food or drug for the purpose of human consumption, has been so kept or manufactured, as the case may be, for sale by such person.

Licensing of shops and places for retail sale of drugs.

428. (1) No person shall keep any shop or place for the retail sale of drugs, not being also articles of ordinary domestic consumption, without a license from the Commissioner. [Cf. 1899, s. 497.]

(2) The person to whom such license is granted in respect of any shop or place shall display it in some conspicuous part of such shop or place.

Power to Local Government to make rules as to compounders.

429. The Local Government may make rules— [Cf. 1899, s. 498.]

(a) prescribing an educational course for candidates for compounders' certificates.

(b) prescribing a fee to be paid by persons seeking admission to a Government medical school for the purpose of undergoing such educational course.

(Part V.—Chapter XXIX.—Food and Drugs.—
Clauses 430-433.)

- (c) regulating the public examination of candidates for compounders' certificates, and prescribing the fee to be paid and the conditions to be observed by persons seeking admission to any such examination.
- (d) regulating the grant of compounders' certificates to persons passing any such examination.
- (e) regulating the registration of certificates so granted.
- (f) permitting any person having such qualifications as may be prescribed in this behalf in the rules to compound, mix, prepare, dispense or sell drugs without obtaining such a certificate, and
- (g) authorizing the cancellation of any certificate granted, or the withdrawal of any permission given, under the said rules, to any person who is proved in the course of a judicial trial to have made a serious mistake, through ignorance or carelessness in the compounding, mixing, preparation, dispensing or selling of drugs.

Prohibition in respect of compounding of drugs.

430. (1) No person shall compound, mix, prepare, dispense or sell any drug in any shop or place licensed under section 428, unless he has a certificate or permission granted under rules made under section 429 and then in force.

[Cf. 1899, c. 499.]

(2) No owner, occupier or keeper of any shop or place licensed under section 428 shall employ in such shop or place any person contravening the provisions of sub-section (1).

(3) If any person contravenes the provisions of sub-section (2), the Magistrate by whom he is tried may cancel the license granted to him under section 428, sub-section (1).

Having as to practitioners of indigenous medicines.

431. Nothing in section 429 or section 430 shall apply to the sale of drugs used by practitioners of indigenous medicines when such drugs are not sold in a shop or place where medicines are dispensed upon prescription.

[Cf. 1899, c. 500.]

Inspection, seizure and destruction of Food and Drugs.

Power to Commissioner to inspect place where unlawful slaughter of animals or sale of flesh is suspected.

432. If the Commissioner has reason to believe that any animal intended for human consumption is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorized under this Act, he may, at any time by day or by night, without notice, inspect such place for the purpose of satisfying himself as to whether any provision of this Act or of any rule or by-law made under this Act, at the time in force, is being contravened thereat.

[Cf. 1899, c. 501.]

Commissioner to provide for inspection of animals, etc., exposed for sale.

433. (1) The Commissioner shall make provision for the constant and vigilant inspection of all animals, food and drugs intended for human consumption which are exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale.

[Cf. 1899, c. 502.]

(Part V.—Chapter XXIX.—Food and Drugs.—
Clauses 434-436.)

and shall also make similar provision for the inspection, during the process of manufacture, of any such food or drug.

(2) If, as a result of such inspection as is provided for in sub-section (1), a prosecution is instituted under this Chapter, then the burden of proving that any such animal, food or drug was not exposed or hawked about or deposited or brought for sale or for preparation for sale, or was not intended for human consumption, shall rest with the party charged.

Power to Commissioner to seize animals, etc., which are unwholesome, etc.

434. (1) The Commissioner may, at any time by day or by night, inspect and examine any animal, food or drug referred to in section 433, and any utensil or vessel used for preparing, manufacturing or containing any such food or drug. [Cf. 1899, s. 603.]

(2) If any such animal appears to the Commissioner to be diseased, or if any such food or drug appears to him to be unsound, unwholesome or unfit for human food or for medicine, as the case may be, or to be adulterated, or if any such utensil or vessel is of such kind or in such state as to render any food or drug prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be,

he may seize and carry away such animal, food, drug, utensil or vessel, in order that the same may be dealt with as hereinafter in this Chapter provided.

Explanation.—Meat subjected to the process of blowing shall be deemed to be unfit for human food.

(3) The Commissioner may, instead of carrying away any animal, food, drug, utensil or vessel seized under sub-section (2), leave the same in such safe custody as he thinks fit in order that the same may be dealt with as hereinafter in this Chapter provided; and no person shall remove such animal, food, drug, utensil or vessel from such custody or interfere or tamper with the same in any way while so detained.

Destruction of animals, etc., seized under section 434.

435. (1) When any animal, food, drug, utensil or vessel is seized under section 434, it may, with the consent of the owner or the person in whose possession it was found, be forthwith destroyed; or, [Cf. 1899, s. 604.]

if such consent be not obtained, then, if any food or drug so seized is of a perishable nature, and is, in the opinion of the Commissioner, the Health Officer, an Assistant or District Health Officer or any Councillor, diseased, unsound, unwholesome or unfit for human food or medicine, it may likewise be destroyed.

(2) The expenses incurred by the Commissioner in taking any action under sub-section (1) shall be paid by the person in whose possession such animal, food, drug, utensil or vessel was at the time of its seizure.

Taking before Magistrate animals, etc., seized under section 434.

436. (1) Any animal, food, drug, utensil or vessel seized under section 434, which is not destroyed in pursuance of section 435, shall, subject to the provisions of section 434, sub-section (3), be taken before a Magistrate as soon as may be after such seizure. [Cf. 1899, s. 605.]

(Part V.—Chapter XXIX.—Food and Drugs.—
Clause 437.)

(2) If it appears to the Magistrate that any such animal is diseased, or that any such food or drug is unsound, unwholesome or unfit for human food or for medicine, as the case may be, or is adulterated, or that any such utensil or vessel is of such kind or in such state as is mentioned in section 434, sub-section (2), he shall cause the same—

- (a) to be forfeited to the Corporation, or
- (b) to be destroyed, at the expense of the person in whose possession it was at the time of its seizure.

(3) If it appears to the Magistrate that any such animal is not diseased or that any such food or drug is not unsound, unwholesome or unfit for human food or for medicine, as the case may be, or is not adulterated, the person from whose shop or place it was taken shall be entitled to have it restored to him, and it shall be in the discretion of the Magistrate to award him such compensation, not exceeding the actual loss which he has sustained, as the Magistrate may think proper.

Analysis of Food or Drugs.

Compulsory sale to
Commissioner for
purpose of analysis.

437. (1) If the Commissioner, or any person authorized by him in that behalf, requires the sale to him of any food or drug exposed or intended for sale, and tenders the price for a quantity not more than is reasonably requisite for division and disposal under sub-section (4) and sub-section (5), any person in possession of or exposing the same for sale shall be bound to sell such quantity. [Cf. 1899, s. 507.]

(2) The Commissioner, or any person authorized by him in that behalf, may require, on tendering the price for it, the sale to him during the process of manufacture, of any quantity of—

- (i) any food, or
- (ii) any drug, or
- (iii) any ingredients used in the manufacture of any food or drug,

not being more than is reasonably requisite for division and disposal under sub-section (4) and sub-section (5), and any person in possession of the said food, drug or ingredients shall be bound to sell such quantity.

(3) The Commissioner, or any person authorized by him in that behalf, may likewise require the surrender to himself, for the purpose of analysis, of such quantity as is reasonably requisite for such process, of any food which is in course of transit in Calcutta or stored in any place in Calcutta for sale as an article for human consumption, and any person in possession of the same shall be bound to surrender such quantity:

and in every such case the price of the food so surrendered shall be payable by the Commissioner, or by the person authorized by him in that behalf, to the owner of the same, if claimed by such owner within one month from the date of the said surrender.

(4) When any sale under sub-section (1) or sub-section (2) is completed, the Commissioner, or the person authorized by him in that behalf, shall forthwith notify to the seller, or his agent selling the

(Part V.—Chapter XXIX.—Food and Drugs.—
Clauses 438, 439.)

article, his intention to have the same analysed, and shall divide the article into three parts, to be then and there separated, and each part to be marked and sealed or fastened up in any manner which its nature will permit.

(5) The Commissioner, or the person authorized by him in that behalf, shall deliver one of the said parts to the seller or his agent, shall retain another for future comparison, and may send the third to an analyst.

(6) When any food is surrendered under sub-section (3), the Commissioner, or any person authorized by him in that behalf, shall forthwith notify to the person in charge of the said food his intention to have the same analysed, and shall thereupon, so far as may be, proceed to deal with the food so surrendered in the manner provided in sub-section (4) and sub-section (5).

(7) A report signed by an analyst certified by the Commissioner to be employed by the Corporation for the purpose of analysing any food or drug under this Chapter shall be sufficient evidence of the result of such analysis.

Vesting of condemned Food or Drug in Corporation.

Food and drugs directed to be destroyed, etc., to be property of Corporation

438. When any authority directs, in exercise of any powers conferred by this Chapter, the destruction of any food or any drug, or the disposal of the same so as to prevent its being used as food or medicine, the same shall thereupon be deemed to be the property of the Corporation. (C. 1899, s. 603.)

Appeal.

Appeal to the General Committee

439. An appeal shall lie to the General Appeals Committee from any refusal of the Commissioner to grant a license under section 423, sub-section (1) or section 428, sub-section (1). (C. 1899, s. 497 (3).)

(Part V.)

CHAPTER XXX.

RESTRAINT OF INFECTION.

Power to Commissioner to require medical practitioners to give information of existence of dangerous disease.

440. Every medical practitioner who treats, or becomes cognizant of the existence of, any dangerous disease in any private or public dwelling-house, other than a public hospital, shall give information of the same with the least practicable delay to the Commissioner in such form and with such details as the Commissioner may, from time to time, require. [Cf. 1899, s. 513.]

Power to Commissioner to inspect places and take measures to prevent spread of dangerous disease.

441. The Commissioner may, at any time by day or by night, without notice, or after giving such notice of his intention as may, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he may think fit to prevent the spread of the said disease beyond such place. [Cf. 1899, s. 514.]

Prohibition of use, for drinking or for other domestic purpose, of water likely to cause dangerous disease.

442. (1) If it appears to the Commissioner that the water in any well, tank or other place is likely, if used for the purpose of drinking or for any other domestic purpose, to engender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water for such purpose. [Cf. 1899, s. 515.]

(2) No person shall remove or use for such purpose any water in respect of which any such public notice has been issued.

Power to Commissioner to remove patient to hospital in certain cases.

443. (1) When, in the opinion of the Health Officer, any person is suffering from a dangerous disease and is also without proper lodging or accommodation or is lodged in such a manner that he cannot be effectually isolated so as to prevent the spread of infection, and the said officer considers that such person should be removed to a hospital or place at which patients suffering from such disease are received for medical treatment, he may send a certificate to that effect to the Commissioner. [1899, s. 516.]

(2) On receipt of any such certificate, the Commissioner may direct or cause the removal of such person to such hospital or place:

Provided that, if any such person is a female, she shall not be removed to any such hospital or place unless the same has accommodation for females, of a suitable kind, and set apart from the portion assigned to males.

(3) The Commissioner shall, in the exercise of his powers under sub-section (2), be subject to the control of the Corporation.

(4) The person (if any) who has charge of a person in respect of whom an order is made under sub-section (2), shall obey such order.

(5) If any female who, according to the custom of the country, does not appear in public, be removed to any hospital or place under sub-section (2):—

(a) the removal shall be effected in such a way, as to preserve her privacy;

(Part V.—Chapter XXX.—*Restraint of Infection.*—
Clauses 444-447.)

- (b) special accommodation suited to such custom shall be provided for her in such hospital or place;
- (c) she shall be treated therein by female agency only; and
- (d) her female relatives shall be allowed to remain with her.

Power to Commissioner to disinfect building, tank, pool or well.

444. (1) If the Commissioner is of opinion that the cleansing or disinfecting of any building or any part of a building, or of any article therein which is likely to retain infection, or of any tank, pool or well adjacent to a building, would tend to prevent or check the spread of any dangerous disease, he may cleanse or disinfect such building, part, article, tank, pool or well and may, by written notice, require the occupier of such building or any part thereof to vacate the same for such time as may be prescribed in such notice. [Cf. 1899, s. 517.]

(2) The cost of such cleansing or disinfecting shall be paid by the occupier of the building:

Provided that if, in the opinion of the Commissioner, the occupier is from poverty unable to pay the said cost, the Commissioner may direct payment thereof to be made from the Municipal Fund.

Power to Commissioner to destroy huts and sheds.

445. (1) If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed. [Cf. 1899, s. 518.]

(2) Compensation shall be paid by the Commissioner to any person who sustains substantial loss by the destruction of any such hut or shed; but, except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by subsection (1).

Infected building not to be let without being first disinfected.

446. No person shall let a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease,— [Cf. 1899, s. 519.]

- (a) unless the Commissioner has disinfected the same and has granted a certificate to that effect, and
- (b) until a date specified in such certificate as that on which the building or part may be occupied without causing risk of infection.

Explanation.—For the purposes of this section the keeper of an hotel or inn shall be deemed to let part of his building to any person accommodated therein.

Provision of places for disinfection, washing or destruction of infected articles, and power to Commissioner to disinfect or destroy such articles.

447. (1) The Commissioner may provide a place or places, with all necessary apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have become infected; and when any articles have been brought to any such [Cf. 1899, s. 520.]

(Part V.—Chapter XXX.—Restraint of Infection.—
Clauses 448, 449.)

place for disinfection, may cause them to be disinfected either,—

(a) in his discretion, on payment of such fees as he may from time to time fix in this behalf with the sanction of the Corporation; or,

(b) in any case in which he is satisfied that the parties are too poor to pay, free of charge.

(2) The Commissioner may from time to time, by public notice, appoint a place or places at which conveyances, clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed; and no person shall wash any such article at any place not so appointed, without having previously disinfected the same.

(3) The Commissioner may disinfect or destroy, or, by written notice, direct the disinfection or destruction of, any clothing, bedding or other articles likely to retain infection.

(4) The Commissioner shall pay reasonable compensation for any article destroyed under sub-section (3).

Infected articles
not to be transmitted,
etc., without previous
disinfection.

448. (1) No person shall, without previous [1899, s. 521.] disinfection of the same, give, lend, sell, transmit, or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease.

(2) Nothing in sub-section (1) shall apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected.

Restrictions on
carriage of patient in
public conveyance

449. (1) No person who is suffering from a [Cf. 1899, s. 522.] dangerous disease shall enter, or cause or permit himself to be carried in, a public conveyance without—

(a) previously notifying to the owner, driver, or person in charge of such conveyance that he is so suffering, and

(b) taking proper precautions against spreading such disease.

(2) Notwithstanding anything contained in any enactment relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance, unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

(3) No person shall go in company with, or take charge of, any person suffering as aforesaid who causes or permits himself to be carried in a public conveyance in contravention of sub-section (1).

(4) No owner, driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid, in contravention of sub-section (1).

(Part V.—Chapter XXX.—Restraint of Infection.—
Clauses 450-453.)

Disinfection of
public conveyance
after carriage of
patient.

450. (1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease has been carried shall immediately take the conveyance for disinfection to a place appointed under section 447, sub-section (1). [Cf. 1899, s. 526.]

(2) The person in charge of such place shall forthwith intimate to the Commissioner the number of the conveyance and proceed to disinfect the conveyance.

(3) No such conveyance shall be used until the Commissioner has granted a certificate stating that it may be used without causing risk of infection.

Power to Commissioner to provide
special conveyances
for patients.

451. (1) The Commissioner, with the sanction of the Corporation, may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease. [Cf. 1899, s. 524.]

(2) When such conveyances have been provided, it shall not be lawful, without the sanction of the Commissioner, to carry any such person in, or for any such person to cause himself to be carried in, any other public conveyance.

Power to Commissioner to take special
measures on outbreak
of dangerous disease
or infectious epizootic
disease.

452. In the event of Calcutta being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious epizootic disease breaking out or being likely to be introduced into Calcutta, the Commissioner, if he considers that the other provisions of this Act or the provisions of any other enactment for the time being in force are insufficient for the purpose, may, with the sanction of the Corporation and of the Local Government,— [Cf. 1899, s. 525.]

(a) take such special measures, and,

(b) by public notice, prescribe such temporary rules to be observed by the public or by any person or class of persons,

as he may deem necessary to prevent the outbreak of such disease or the spread thereof.

Appeal.

Appeal to the
General Appeals
Committee.

453. An appeal shall lie to the General Appeals Committee from any order made by the Commissioner determining the amount of compensation payable for the destruction of any hut or shed under section 445, sub-section (2). [Cf. 1899, s. 518 (2). Proviso.]

(Part V.)

CHAPTER XXXI.

REGISTRATION OF BIRTHS AND DEATHS AND
DISPOSAL OF THE DEAD.

Registration of Births and Deaths.

Appointment of registrars and sub-registrars, and list of same.

454. (1) The Health Officer shall be chief registrar of Calcutta and shall keep, in such form as may from time to time be prescribed by the Local Government, a register of all births and deaths occurring in Calcutta. [Cf. 1899, s. 520 and 523.]

(2) The Commissioner shall, for the purposes of this Chapter, divide Calcutta into such and so many districts as the Local Government may think fit, and shall appoint a person to be registrar of births and deaths for each such district.

(3) On the occurrence of any dangerous disease, the Commissioner may appoint as many additional registrars as he may think necessary.

(4) The Commissioner shall appoint a sub-registrar for each registered burial or burning ground or other place for the disposal of the dead, to register all corpses brought thereto for interment or cremation or for disposal otherwise:

Provided that it shall be competent to the Commissioner to appoint the same sub-registrar for more than one such burial or burning ground or other place.

(5) The Commissioner shall cause to be printed and published a list containing the name and address of every registrar and sub-registrar appointed under this section.

Register-books.

455. The Commissioner shall cause to be prepared and printed a sufficient number of register-books, in such form as may from time to time be prescribed by the Local Government, for making entries of all births and deaths occurring in Calcutta. [Cf. 1899, s. 523.]

Registrar to inform himself of, and register, births and deaths.

456. A registrar shall inform himself of every birth and death occurring in his district, and shall ascertain and register, as soon as conveniently may be after the event, and without fee or reward, the particulars prescribed in Schedule XIX or Schedule XX, as the case may be, in respect of every birth or death which has not been already registered. [Cf. 1899, s. 530.]

Information of birth by whom to be given.

457. It shall be the duty of the father or mother of every child born in Calcutta and, in default of the father or mother, of the occupier of the premises in which to his knowledge the child is born, and of each person present or in attendance at the time of the birth, and of the person having charge of the child, to give, to the best of his knowledge and belief, to the registrar of the district within eight days after such birth, information of the several particulars prescribed in Schedule XIX: [Cf. Bom. Act III of 1898, s. 446.]

Provided that if any one of the persons hereinbefore referred to gives the said information, no other person shall be bound to give it:

Provided also that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father

(Part V.—Chapter XXXI.—Registration of Births and Deaths and Disposal of the Dead.—Clauses 458-461.)

of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

Information of death by whom to be given.

458. It shall be the duty of the nearest relatives present at the time of the death or in attendance during the last illness of any person dying in Calcutta, and in default of such relatives, of each person present or in attendance at the time of the death, and of the occupier of the premises in which, to his knowledge, the death took place, and in default of the persons hereinbefore in this section mentioned, of each inmate of such premises, and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the registrar of the district, or to the sub-registrar of the burial or burning ground or other place for the disposal of the dead where the body is buried or burnt or otherwise disposed of, information of the several particulars prescribed in Schedule XX:

[Cf. Bom. Act III of 1888, s. 449.]

Provided that if any of the persons hereinbefore referred to gives the said information, no other person shall be bound to give it:

Provided also that if the death occurs in a hospital, none of the said persons shall be bound to give such information, but it shall be the duty of the medical officer in charge of the hospital, within twelve hours after the death, to send to the Health Officer a written notice containing the several particulars prescribed in Schedule XX.

Medical practitioners to send to Health Officer notice stating cause of death.

459. Any medical practitioner in attendance during the last illness of any person dying in Calcutta shall, within three days of his becoming cognizant of the death of such person, send a written notice to the Health Officer, as nearly as may be in the form prescribed in Schedule XX, stating, to the best of his judgment, the cause of death.

[Cf. 1899, s. 533.]

Duties of police with regard to unclaimed corpses.

460. It shall be the duty of the police to convey every unclaimed corpse to a burial or burning ground or other place for the disposal of the dead, or to a duly appointed mortuary, and thereafter to inform the registrar of the district in which such corpse was found.

[Cf. 1899, s. 534.]

Sextons, etc., not to bury, etc., corpses without certificate.

461. A sexton or keeper of a burial or burning ground or other place for the disposal of the dead, whether situated in Calcutta or not, shall not bury, burn or otherwise dispose of, or allow to be buried or burnt or otherwise disposed of, the corpse of any person who has died in Calcutta unless such corpse is accompanied by a certificate, in the form prescribed by Schedule XX, signed by a registrar or sub-registrar appointed under section 454 or by a registered medical practitioner:

[Cf. 1899, s. 535.]

Provided that, at any burial or burning ground or other place for the disposal of the dead where there is a sub-registrar who keeps a register in the form prescribed by the said Schedule, an entry in such register relating to the deceased shall be deemed sufficient.

(Part V.—Chapter XXXI.—Registration of Births and Deaths and Disposal of the Dead.—Clauses 462-466.)

Power to Local Government to make rules.

462. The Local Government may make rules—

[Cf. 1899, a. 588.]

- (a) prescribing the qualifications to be required in persons appointed to be registrars or sub-registrars under this Chapter;
- (b) generally, for the guidance of the Commissioner, the Health Officer, registrars and sub-registrars in all matters connected with the carrying out of the provisions of this Chapter.

Disposal of the Dead.

Registration of places for disposal of the dead.

463. Every owner or keeper of a place used for burying, burning or otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by some municipal officer charged by the Commissioner with this duty, and shall deposit in the Municipal Office at the time of registration a plan of the said place showing the extent and boundaries thereof and bearing the signature of a surveyor in token of its having been prepared by or under the supervision of such surveyor.

[Cf. 1899, a. 589.]

Provision and registration of new places for disposal of the dead.

464. If the existing places for the disposal of the dead appear to the Corporation at any time to be insufficient, or if any such place is closed under the provisions of section 466, they shall—

[Cf. 1899, a. 590.]

- (a) provide other fit and convenient places for the disposal of the dead, either in or without Calcutta,
- (b) cause the same to be registered in the register kept under section 463, and
- (c) cause to be kept in the Municipal Office, at the time of registration of each place so provided, a plan thereof showing the extent and boundaries of the same and bearing the signature of the Commissioner.

Permission of the Corporation required for opening or re-opening places for disposal of the dead.

465. Except with the written permission of the Corporation—

[Cf. 1899, a. 591.]

- (a) no place which has never previously been lawfully used as a place for the disposal of the dead and registered as such shall be opened by any person as such place, and
- (b) no burial or burning ground or other place for the disposal of the dead which has fallen into disuse shall be again used as such.

Power to Local Government to direct the closing of any place for the disposal of the dead.

466. (1) If, from information furnished by competent persons and after personal inspection, the Commissioner is at any time of opinion—

[Cf. 1899, a. 592.]

- (a) that any place of public worship is, or is likely to become, injurious to health by reason of the state of the vaults or graves within the walls of, or underneath, such place or in any churchyard or burial ground adjacent thereto, or
- (b) that any other place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health,

(Part V.—Chapter XXXI.—Registration of Births and Deaths and Disposal of the Dead.—Clauses 467, 468.)

he may submit his said opinion, with the reasons therefor, to the Corporation, who shall forward the same, with their opinion, for the consideration of the Local Government.

(2) Upon receipt of such opinion, the Local Government, after such further inquiry (if any) as they deem fit to make, may, by notification published in the *Calcutta Gazette* and in local newspapers, direct that such place of public worship, churchyard, burial ground or other place for the disposal of the dead shall no longer be used for the disposal of the dead.

(3) Every such notification shall be noted in the register kept under section 463.

(4) On the expiration of two months from the date of any such notification, the place to which the same relates shall be closed for the disposal of the dead.

(5) A copy of the said notification, with a translation thereof in the Bengali, Hindi and Urdu languages, shall be affixed on a conspicuous spot on or near the place to which the notification relates, unless such place be a place of public worship.

Power to Local Government to direct re-opening of place closed under section 466 or other enactment.

467. (1) If, after personal inspection, the Commissioner is at any time of opinion that any place formerly used for the disposal of the dead which has been closed under section 466 or under any other enactment or authority has, by lapse of time, become no longer injurious to health and may, without risk of danger, be again used for the said purpose, [Cf. 1899, s. 548.]

he may submit his said opinion, with the reasons therefor, to the Corporation, who shall forward the same, with their opinion, for the consideration of the Local Government.

(2) Upon receipt of such opinion, the Local Government, after such further inquiry (if any) as they deem fit to make, may, by notification published in the *Calcutta Gazette*, direct that such place be re-opened for the disposal of the dead.

(3) Every such notification shall be noted in the register kept under section 463.

Prohibition of certain acts without the permission of the Commissioner.

468. (1) No person shall, without the written permission of the Commissioner, [Cf. 1899, s. 545.]

(a) make any vault, grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah, of any place of worship; or

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 466; or

(c) build, dig or cause to be built or dug any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse, at any place which is not registered in the register kept under section 463; or

(Part V.—Chapter XXXI.—Registration of Births and Deaths and Disposal of the Dead.—Clause 468.)

(d) exhume any body from any place for the disposal of the dead, except under the provisions of section 176 of the Code of Criminal Procedure, 1898, or of any other relevant enactment for the time being in force.

V of 1898.

(2) Such permission may be granted by the Commissioner in special cases only and subject to such general or special orders as the Local Government may make in this behalf.

(3) An offence against clause (b), clause (c) or clause (d) of sub-section (1) shall be deemed to be a cognizable offence within the meaning of section 149, section 150 and section 151 of the said Code of Criminal Procedure, 1898.

V of 1898.

(Part V.)

CHAPTER XXXII.

CENSUS.

Census when and
how to be taken.

469. (1) At such time and in such manner as the Commissioner, with the sanction of the Corporation and the Local Government, may from time to time direct, an enumeration shall be made of all persons then being in Calcutta. [Cf. 1899, a. 546.]

(2) When any time is appointed under sub-section (1), the Local Government shall, at least one month before that time, publish a notification in the *Calcutta Gazette*, announcing the said time and containing all other particulars of which they consider the residents should be informed.

Superintendence of
enumeration.

470. The Commissioner, or any person specially appointed by the Corporation for the purpose (hereinafter called the Superintendent), shall superintend the making of every enumeration under this Chapter, and shall cause to be prepared and issued, for the purposes of such enumeration, such forms and instructions as he may consider necessary and as may be sanctioned by the Local Government. [Cf. 1899, a. 547.]

Expenses of enu-
meration.

471. The expenses incurred in making any enumeration under this Chapter shall be paid out of the Municipal Fund. [Cf. 1899, a. 548.]

Appointment and
duties of enumera-
tors.

472. (1) The Commissioner or Superintendent, as the case may be, shall appoint a sufficient number of competent persons to act as enumerators for the purposes of this Chapter. [Cf. 1899, a. 550.]

(2) Every enumerator shall obey all instructions issued to him by the Superintendent for the making of the enumeration, and shall, under the direction of the Superintendent, and on the day to be appointed by the Corporation in this behalf,—

(a) visit every building within the area to which he has been appointed;

(b) take an account in writing of the name, sex, age, caste (if any), nationality and occupation of every person abiding in such building on the night immediately preceding the said day; and

(c) take an account in writing of all occupied buildings, all buildings then being built and uninhabited, and all other uninhabited buildings:

Provided that no female shall be required to disclose her name or age.

Military and naval
officers and certain
other persons, if
required, to act as
enumerators.

473. (1) The following persons, namely,— [Cf. 1899, a. 551.]

(a) any military or naval officer in command of a body of military or naval men or of a vessel of war,

(b) any master of a merchant vessel,

(c) any *sarang* or *tindal*, or any person in charge of a vessel or boat.

(Part V.—Chapter XXXII.—Census.—Clause 473.)

(d) any person in charge of a lunatic asylum, hospital or prison, or of any public or private charitable or scholastic institution, and

(e) any keeper of an hotel or lodging-house,

shall, if required by the Superintendent, act as an enumerator for the purpose of taking an account in writing of the name, sex, age, caste (if any), nationality and occupation of every person under his command or charge, or abiding in any building in his possession, charge or control, on the night immediately preceding the day appointed under section 472, sub-section (2), and shall obey all instructions issued to him in writing by the Superintendent for the purposes of taking such account.

(2) If any person upon whom a requisition is made under sub-section (1) is unable to write, an enumerator appointed under section 472, sub-section (1), shall fill up any form supplied to such person under that sub-section.

PART VI.

CHAPTER XXXIII.

ACQUISITION, DISPOSAL AND GENERAL IMPROVEMENT
OF LAND AND BUILDINGS.

Acquisition and Disposal of Land and Buildings.

Power to Corpora-
tion to acquire land
and buildings for
improvements.

474. The Corporation may acquire any land and buildings, whether situated in Calcutta or not,—

- (1) for the purpose of opening out any congested or unhealthy area or of otherwise improving any portion of Calcutta; or
- (2) for the purpose of erecting sanitary dwellings for the poorer classes.

Scheme for carry-
ing out such improve-
ments

475. (1) When any land or building has been acquired under section 474 for the purpose of carrying out any work, the Corporation shall frame a scheme for carrying out such work either by themselves or by any other person whom the Corporation may select to carry out the same.

(2) When any scheme is framed under sub-section (1) for the carrying out of work by any person other than the Corporation, the scheme shall embody the terms and conditions agreed upon between the Corporation and such person;

and such conditions shall be deemed to include a power to the Commissioner to superintend and control the execution of the work.

(3) Every scheme framed under sub-section (1) shall be published in the *Calcutta Gazette* and in such other manner as the Commissioner may think fit, together with a notice specifying a period within which objections will be received.

(4) The Corporation shall consider all objections received within the said period, and shall submit the documents to the Local Government with such recommendations as they may desire to make.

(5) The Local Government, after considering the said objections and recommendations (if any), may confirm the scheme, and before doing so may modify it, but not so as to extend its effect.

Power to Corpora-
tion to carry out
improvements.

476. When any scheme for the carrying out of work by the Corporation themselves has been confirmed by the Local Government under section 475, sub-section (5), the Corporation may proceed to carry out the work in accordance with the scheme.

Transfer of land
and buildings to per-
son for carrying out
improvements.

477. (1) When any scheme for the carrying out of work by any person other than the Corporation has been confirmed by the Local Government under section 475, sub-section (5), the Corporation may sell, lease or otherwise transfer to such person the land and buildings which have been acquired under section 474, for the purpose and under the condition that he will carry out such work in accordance with the said scheme.

(Part VI.—Chapter XXXIII.—Acquisition, Disposal and General Improvement of Land and Buildings.—Clauses 478, 479.)

(2) Every lease granted by the Corporation under this section shall be deemed to include a covenant authorizing the Corporation to re-enter if the lessee—

(a) fails to carry out any work in accordance with the said scheme, or,

(b) after carrying out the work, uses the land or buildings leased to him, or any part thereof, or allows the same to be used, for any purpose which is inconsistent with the said scheme;

and such covenant shall be binding on all transferees from the original lessee.

(3) Before possession of any land or building is given to any person by the Corporation in pursuance of any contract (other than a lease) made under this section, the Corporation shall take security from such person for the due carrying out and maintenance of work in accordance with the said scheme.

Additional Powers for Acquisition, Disposal, etc.

Further powers to Corporation for acquiring and disposing of land or buildings.

478. In addition to the powers expressly conferred by any other section of this Act for the acquisition and disposal of land or buildings, the Corporation may—

[Cf. 1899, s. 558.]

(1) acquire, or pay rent for, or take on lease under such conditions as they may think fit, any land and buildings, whether situated in Calcutta or not, which may, in their opinion, be needed for carrying out any of the purposes of this Act, and

(2) sell, lease or otherwise transfer, on such terms as they may think fit, any land or building vested in them.

General Provisions.

Application of Land Acquisition Act, 1894, with amendments.

479. Any land or buildings which any municipal authority is authorized by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and for that purpose the said Act shall be subject to the following amendments, namely,—

[Cf. 1899, s. 557.]

I of 1894.

(a) Section 17 of the said Land Acquisition Act shall apply also in the case of any area which is stated in a certificate granted by a Magistrate to be unhealthy. Before granting any such certificate the Magistrate shall cause notice to be served as promptly as may be on the persons referred to in subsection (3) of section 9 of the said Act, and shall hear without any avoidable delay any objections which may be urged by them against the application of the said section 17. When proceedings have been taken under the said section 17 for the acquisition of any land, and any person sustains damage in consequence of being suddenly dispossessed of such land, compensation shall be paid to such person for such dispossession.

(Part VI.—Chapter XXXIII.—Acquisition, Disposal and General Improvement of Land and Buildings.—Clause 480.)

(b) The market-value of any land or building to be acquired shall be deemed, for the purposes of clause *first* of sub-section (1) of section 23 of the said Land Acquisition Act, to be the market-value according to the disposition of such land or building at the date of the publication of the declaration relating thereto under section 6 of the said Land Acquisition Act :

Provided as follows :—

- (i) if it be shown that, before such declaration was published, the owner of the land or building had taken active steps and incurred expenditure to secure a more profitable disposition of the same, further compensation, based on his actual loss, may be paid to him ;
 - (ii) if the market-value is specially high in consequence of the property being put to a use which is unlawful or contrary to public policy, that use shall be disregarded and the market-value shall be deemed to be the market-value of the land or building if put to ordinary uses ;
 - (iii) if the market-value has been increased by means of any improvement made by the owner or his predecessor in interest within two years before the aforesaid declaration was published, such increase shall be disregarded unless it be proved that the improvement was made *bond fide* and not in contemplation of proceedings for the acquisition of the land or building being taken under the said Land Acquisition Act.
- (c) The market value of any land (other than land in a *bustee*) or any building to be acquired shall, until the contrary is shown, be presumed, for the purposes of the said clause *first* of sub-section (1) of section 23, to be twenty-five times the annual value of property as entered in the assessment-book.

Vesting in Corporation of land and buildings acquired under the Land Acquisition Act, 1894.

480. On payment by the Commissioner out of the Municipal Fund of the compensation awarded under the said Land Acquisition Act, 1894, in respect of any land or buildings and of any other charges incurred in acquiring the said land or buildings, the same shall vest in the Corporation.

[C. 1899, n. 658.]
1 of 1894.

PART VII.

CHAPTER XXXIV.

BY-LAWS AND RULES.

Power to Corporation to make by-laws.

481. The Corporation may make by-laws generally for carrying out the provisions and intentions of this Act; and in particular, and without prejudice to the generality of the foregoing power, they may make by-laws—

[Cf. 1899, s. 559.]

(1) for the subdivision, amalgamation and renewal of municipal debentures issued under Chapter IX; *

(2) regulating—

[Cf. 1899, s. 559, cl. (3).]

(a) the detention and examination of petroleum introduced into Calcutta for consumption therein;

(b) the collection of any tax imposed under section 199, sub-section (3); and

(c) such other matters connected with the introduction of petroleum into Calcutta for consumption therein as the Corporation may from time to time think fit to regulate;

Provided that no such by-law shall render petroleum, passing through Calcutta in transit for any place beyond Calcutta, liable to taxation or to any detention or examination whatsoever under this Act;

(3) prescribing the duties of owners and drivers of carts, the minimum width of the tyres thereof, and the maximum load which carts shall be permitted to carry;

[Cf. 1899, s. 559, cl. (5).]

(4) prescribing the procedure to be followed by owners or occupiers desiring a water-supply;

[1899, s. 559, cl. (4).]

(5) prescribing a schedule of charges for water supplied for other than domestic purposes;

[1899, s. 559, cl. (5).]

(6) regulating the testing of the purity of filtered water supplied under Chapter XVIII;

[Cf. 1899, s. 559, cl. (6).]

(7) providing for the maintenance of a map of the water-supply system and facilitating the inspection of the same by ratepayers;

[1899, s. 559, cl. (7).]

(8) regulating—

[Cf. 1899, s. 559, cl. (8).]

(i) the construction and maintenance of water-pipes, taps and fittings, and

(ii) all matters and things connected with the supply and use of water, the use and control of meters, the control of the water-supply and the administration of Chapter XVIII;

(9) specifying the manner in which house-drains and privies are to be connected with the municipal drains;

[1899, s. 559, cl. (9).]

(Part VII.—Chapter XXXIV.—By-laws and Rules.—
Clause 481.)

- (10) prescribing the procedure to be followed by owners and occupiers of premises in connecting house-drains and privies with the municipal drains; [1899, s. 559, cl. (10).]
- (11) regulating the construction, maintenance, control and cleansing of drains, ventilation-shafts or pipes, cess pools, house-gullies, privies, urinals, bathing and washing places and drainage works of every description, whether belonging to the Corporation or not; [Cf. 1899, s. 559, cl. (12).]
- (12) providing for the maintenance of a map of the sewerage system, and facilitating the inspection of the same by ratepayers; [1899, s. 559, cl. (13).]
- (13) prescribing the qualifications to be required from, and regulating the appointment, suspension, and dismissal of, licensed plumbers; [Cf. 1899, s. 559, cl. (14).]
- (14) for the alteration of doors, gates, bars and windows opening outwards on a public street; [1899, s. 559, cl. (15).]
- (15) for the provision, maintenance, and lighting of hoardings or fences in public streets when building work is carried on; [Cf. 1899, s. 559, cl. (16).]
- (16) regulating the making of holes in a public street; [Cf. 1899, s. 559, cl. (17).]
- (17) prohibiting or regulating the placing of obstructions, projections or encroachments, or the depositing of materials or goods, in a public street or in or over any drain or aqueduct in a public street or on any land vested in the Corporation; [1899, s. 559, cl. (18).]
- (18) regulating the posting of advertisements in or adjacent to public streets or other public places;
- (19) for the provision and maintenance of gutters and pipes for carrying and discharging water from buildings in a public street; [1899, s. 559, cl. (19).]
- (20) regulating the construction of approach roads crossing the footpath of a public street; [1899, s. 559, cl. (20).]
- (21) regulating the construction of verandahs and other structures in streets;
- (22) for altering the position of pipes and appliances laid in streets; [1899, s. 559, cl. (21).]
- (23) regulating all matters relating to the fittings, width and construction of streets; [Cf. 1899, s. 559, cl. (22).]
- (24) regulating the use of land as sites for the erection of buildings; [1899, s. 559, cl. (23).]
- (25) regulating the erection of new buildings; [Cf. 1899, s. 559, cl. (24).]
- (26) regulating the making of alterations in, and additions to, buildings; [1899, s. 559, cl. (25).]
- (27) providing for the protection of lamps, lights, gas-pipes, electric wires and all other appurtenances necessary for the lighting of public streets and municipal markets and buildings; and regulating the manner in which gas-pipes or electric wires shall be laid and existing gas-pipes or electric wires altered; [See 1899, ss. 428 to 426.]

(Part VII.—Chapter XXXIV.—By-laws and Rules.—
Clause 481.)

- (28) providing for and regulating the collection, removal and disposal of all offensive matter and sewage accumulating in Calcutta, and the efficient daily cleansing and scavenging of all streets and premises; [See 1899, ss. 482, 484 and 486.]
- (29) for the regulation and control of public bathing and washing places and places constructed under section 392, the management and maintenance of public swimming-baths, the imposition of fees for the use of such baths and the control of persons resorting to such washing places and baths; [See 1899, ss. 460 to 462, 474 and 469 (31).]
- (30) for the construction, management and maintenance of public wash-houses, for the regulation and control of such public wash-houses and other places for the use of washermen in the exercise of their calling, for the imposition of fees for the use of such wash-houses or places, for the control of persons carrying on business therein or resorting thereto, and for the prohibition of the use of unauthorized places for such purposes; [See 1899, ss. 475 and 476.]
- (31) prohibiting the fouling of any tank, reservoir, stream, well or ditch in Calcutta or of any source from which the public water-supply is drawn; [See 1899, ss. 461 and 462.]
- (32) regulating the keeping, feeding and destruction of any animal, and the disposal of its carcass, and prescribing the fees payable to the Corporation for such disposal; [See 1899, ss. 463, 464 and 468.]
- (33) specifying the manner in which stables, cattle-sheds and cow-houses are to be constructed, altered, paved, repaired, maintained and inspected, and the means whereby they are to be connected with the municipal drains; [Cf. 1899, s. 559, cl. (28), and ss. 456 and 487.]
- (34) providing for the inspection, keeping and removal of milch-cattle, and prescribing and regulating the ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairyman or milk-seller; [Cf. 1899, s. 559, cl. (27), and s. 455.]
- (35) for enforcing the cleanliness of milk-stores and milk-shops and milk-vessels used for containing milk; [1899, s. 559, cl. (28).]
- (36) requiring notice to be given whenever any milch-animal is affected with any contagious disease, and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination; [1899, s. 559, cl. (29).]
- (37) for the regulation of lodging-houses; [1899, s. 559, cl. (53).]
- (38) regulating the removal and disposal of rank or noxious vegetation; [Cf. 1899, s. 559, cl. (54).]
- (39) for the inspection, supervision, regulation, and control of eating-houses and places where food is prepared for human consumption.

*(Part VII.—Chapter XXXIV.—By-laws and Rules.—
Clause 481.)*

- (40) for the regulation, inspection by day or by night, supervision and control of all factories, bakehouses, work-shops, work-places and premises used for any of the purposes referred to or mentioned in section 402, and of all trades and manufactures carried on therein, and for the cleanliness or ventilation of the same, or the health or safety of the persons employed therein; [Cf. 1899, s. 559, cl. (30), and ss. 464 (1), 465, 466 (2) and 473.]
- (41) regulating the inspection, supervision and control of theatres and other places of public resort, recreation or amusement, and prescribing the terms and conditions subject to which licenses may be granted for keeping open such places; [Cf. 1899, s. 559, cl. (52).]
- (42) for the licensing and control of persons in charge of cinematograph lanterns or any other apparatus (in use in theatres or other places of public resort, recreation or amusement) which, in the opinion of the Commissioner, are or is likely to be dangerous to human life;
- (43) for securing the efficient inspection of markets, slaughter-houses, and places set apart under proviso (iii) to section 414; [1899, s. 559, cl. (32).]
- (44) regulating the management of, and the conduct of business in, markets; [1899, s. 559, cl. (33).]
- (45) regulating the use of any municipal market, municipal slaughter-house, municipal stock-yard, or any part thereof, or any place set apart under proviso (iii) to section 414; [Cf. 1899, s. 559, cl. (34).]
- (46) providing for a sufficient supply of water to or in, and for the proper cleansing, general control and regulation of the sanitary condition of, markets, slaughter-houses, stock-yards and places set apart under proviso (iii) to section 414, and preventing the exercise of cruelty and the occurrence of nuisances or obstruction therein; [Cf. 1899, s. 559, cl. (35), and s. 468.]
- (47) for preventing persons suffering from any loathsome disease from keeping stalls in, or being employed in preparing or selling articles of food in, any market or from entering any municipal market or touching any article brought thereto for sale, and for authorizing the expulsion of such persons from any municipal market; [1899, s. 559, cl. (36).]
- (48) for preventing persons suffering from any infectious or contagious disease living in places where food or drugs is or are sold, stored or prepared, and for disinfecting the place where any such case has occurred, and generally for the restraint of infection in such places; [Cf. 1899, s. 559, cl. (37).]
- (49) for preventing the use in any municipal market of false or incorrect weights, scales or measures; [Cf. 1899, s. 559, cl. (38).]
- (50) for publishing a price-current in any market; [Cf. 1899, s. 559, cl. (39).]
- (51) for the control and supervision of butchers carrying on business in Calcutta or at any municipal slaughter-house without Calcutta; [1899, s. 559, cl. (40).]

(Part VII.—Chapter XXXIV.—By-laws and Rules.—
Clauses 482, 483.)

- (52) for securing the efficient inspection and sanitary regulation of shops in which food or drugs is or are kept or sold; [Cf. 1899, s. 559, - cl. (41).]
- (53) prescribing and regulating the functions and duties of registrars and sub-registrars of births and deaths and of keepers of burial and burning grounds and other places for the disposal of the dead, and for regulating and ensuring the correct and prompt registration of all births and deaths; [See 1899, ss. 527, 529 (2), 530, 535, 537 and 541.]
- (54) regulating the speedy disposal of corpses; [1899, s. 559, cl. (42).]
- (55) regulating the carrying of corpses along streets; [1899, s. 559, cl. (43).]
- (56) regulating the removal of corpses or parts of corpses which have been kept or used for purposes of dissection; [1899, s. 559, cl. (44).]
- (57) regulating the digging and making of graves and vaults; [1899, s. 559, cl. (45).]
- (58) regulating the re-opening of graves and vaults for purposes of fresh interments; [1899, s. 559, cl. (46).]
- (59) regulating cremation; [1899, s. 559, cl. (47).]
- (60) generally, for regulating the disposal of the dead, the inspection of all places for the disposal of the dead, and the maintenance of all such places in good order and in a safe and sanitary condition; [1899, s. 559, cl. (48).]
- (61) regulating and facilitating the taking of a census of the population of Calcutta, and securing accurate returns thereof, and prescribing the duties of the Superintendent referred to in section 470; [Cf. 1899, s. 559, cl. (49), and ss. 549, 550 (3), 552 and 553.]
- (62) for securing the registration of marriages; and [1899, s. 559, cl. (50).]
- (63) regulating the printing and sale of by-laws and rules made under this Act, and providing for the exhibition thereof in suitable places. [See 1899, ss. 571 and 572.]

Type-plans to be annexed to certain by-laws, and application of certain by-laws.

482. (1) There shall be annexed to by-laws made under clause (9), clause (11) or clause (33) of section 481, type-plans of all constructions referred to in them and the said plans shall be open to the inspection of any applicant at the Municipal Office, at all reasonable times. [Cf. 1899, s. 560.]

(2) No by-law made under clause (40) of section 481 shall—

- (a) affect the Bengal Steam-boilers and Prime-movers Act, 1879, or Ben. Act III of 1879.
- (b) apply to any factory to which the Indian Factories Act, 1911, is applicable. XII of 1911.

Penalties for breach of by-laws.

483. In making a by-law under section 481, the Corporation may provide that a breach of it shall be punishable— [Cf. 1899, s. 561.]

- (a) with fine which may extend to fifty rupees, and in the case of a continuing breach, with fine which may extend to twenty rupees for every day during which the breach continues after conviction for the first breach, or

(Part VII.—Chapter XXXIV.—By-laws and Rules.—
Clauses 484-488.)

- (b) with fine which may extend to twenty rupees for every day during which the breach continues after receipt of written notice from the Commissioner to discontinue the breach.

Appeals against by-laws.

484. In making a by-law under section 481, the Corporation may provide, subject to the provisions of section 15 and section 16, that an appeal shall lie to the General Appeals Committee or to the Buildings Appeals Committee, as the case may be, against any order made, notice issued or other action taken or proposed to be taken by the Commissioner under the said by-law. [Sec. 1899, s. 327 (1) (ii).]

Conditions precedent to the making of by-laws.

485. The power to make by-laws under this Act is subject to the condition of the by-laws being made after previous publication, and to the following further conditions, namely,— [Cf. 1899, s. 566.]

- (a) a draft of the by-laws shall be published in the *Calcutta Gazette* and in local newspapers;
- (b) such draft shall not be further proceeded with until after the expiration of a period of one month from such publication or such longer period as the Corporation may appoint;
- (c) for not less than one month during such period, a printed copy of such draft shall be kept at the Municipal Office for public inspection, and every person shall be permitted at any reasonable time to peruse the same, free of charge; and
- (d) printed copies of such draft shall be obtainable by any person requiring the same, on payment of such fee, not exceeding two annas for each copy, as may be prescribed by the Commissioner.

By-laws to be subject to sanction of Local Government.

486. (1) No by-law made by the Corporation under this Act shall have any validity unless and until it is sanctioned by the Local Government. [Cf. 1899, s. 566.]

(2) Before sanctioning any such by-law, the Local Government may modify it.

Power to Local Government to make rules for the amendment of certain Schedules.

487. (1) The Local Government may by rules alter, add to or cancel any part of, or any rule contained in, any Schedule except Schedule I and Schedule III. [Cf. 1899, s. 567.]

(2) All references in this Act to any Schedule which may be amended under sub-section (1) shall be construed as references to such Schedule as for the time being so amended.

Conditions precedent to the making of rules.

488. (1) The power to make rules under any section (other than section 308 and section 452) of this Act is subject to the condition of the rules being made after previous publication. [Cf. 1899, s. 568.]

(2) The power of the Local Government to make rules under section 9, sub-section (4), section 98, sub-section (3), or section 487, sub-section (1), is also subject to the following further conditions, namely,—

- (a) a draft of the rules shall be published in the *Calcutta Gazette* and forwarded to the Corporation for their opinion;

(Part VII.—Chapter XXXIV.—By-laws and Rules.—
Clauses 489-491.)

(b) such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Local Government may appoint.

Certain rules to be subject to sanction.

489. (1) No rule made under section 69, section 74, section 98, sub-section (10), section 99, sub-section (3), or clause (b) of section 535 shall have any validity unless and until it is sanctioned by the Local Government. [Cf. 1899, s. 669.]

(2) Before sanctioning any such rule, the Local Government may modify it.

Publication of by-laws, and rules in Gazette, and effect of such publication.

490. All by-laws and rules made and (where sanction is required) duly sanctioned under this Act shall be published in the *Calcutta Gazette* and shall thereupon have effect as if enacted in this Act. [Cf. 1899, s. 670.]

Power to Local Government to cancel by-laws and rules.

491. (1) If the Local Government are at any time of opinion that any by-law or rule made under this Act by any municipal authority should be cancelled, either wholly or in part, they shall cause the reasons for such opinion to be communicated to the Corporation, and shall prescribe a reasonable period within which the Corporation may make any representation with regard thereto which they may think fit. [Cf. 1899, s. 671.]

(2) After receipt and consideration of any such representation, or, if in the meantime no such representation is received, after the expiry of the prescribed period, the Local Government may at any time, by notification in the *Calcutta Gazette*, cancel such by-law or rule, either wholly or in part:

Provided that no by-law or rule shall be cancelled in part only if, within the period aforesaid, the Corporation have objected to a partial cancellation thereof.

(3) The cancellation of a by-law or rule under sub-section (2) shall take effect from such date as the Local Government may in the said notification direct, or, if no such date is specified, then from the date of the publication of the said notification in the *Calcutta Gazette*, except as to anything done or suffered or omitted to be done before such date.

(4) The said notification shall also be published in local newspapers.

PART VIII.

CHAPTER XXXV.

PENALTIES.

Certain offences
punishable with fine.

492. (1) Whoever commits any offence by—

[Cf. 1899, ss.
574 and 575.]

- (a) contravening any provision of any of the sections, sub-sections, clauses of sections, provisoes or rules of this Act mentioned in the first column of the following table, or
- (b) contravening any provision of any rule made under any of the said sections, sub-sections, clauses, or provisoes, or
- (c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under any of the said sections, sub-sections, clauses, provisoes or rules,

shall be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

(2) Whoever, after having been convicted of any offence referred to in clause (a), clause (b), or clause (c) of sub-section (1), continues to commit such offence shall be punished, for each day after the first during which he continues so to offend, with fine which may extend to the amount mentioned in this behalf in the fourth column of the said table.

Explanation.—The entries in the second column of the following table, headed "Subject", are not intended as definitions of the offences described in the sections, sub-sections, clauses, provisoes or rules mentioned in the first column, or even as abstracts of those sections, sub-sections, clauses, provisoes or rules, but are inserted merely as references to the subject thereof :—

1	2	3	4
Sections, sub-sections, clauses, provisoes or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed
Section 55, sub-section (1).	Accepting bribe at election ...	One hundred rupees.	
Section 55, sub-section (2).	Giving bribe at election ...	Five hundred rupees.	
Section 141, sub-section (2).	Requisition by auditors to produce documents, to appear in person, or to make and sign declaration, to answer question or to submit statement.	One hundred rupees	Seventy rupees.
Section 153, sub-sections (1) and (2).	Requisition for returns of measurements and rent or annual value of land or building.	Two hundred rupees.	
Section 162	Obligation to give notice of transfer of title in land or building.	Fifty rupees ...	Ten rupees.

(Part VIII.—Chapter XXXV.—Penalties.—Clause 492.)

1	2	3	4
Sections, sub-sections, clauses, provisions or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 172 ...	Obligation to give notice of re-occupation of unoccupied land or building.	Fifty rupees ...	Ten rupees.
Section 185, sub-sections (1) and (2).	Obligation to forward statement of carriages and animals liable to taxation.	Twenty rupees.	•
Section 186 ...	Requisition on occupier to forward statement of carriages and animals liable to taxation, and names and addresses of persons owning or keeping same.	Twenty rupees.	
Section 189 ...	Requisition on livery stable-keeper to produce books and accounts for inspection.	One hundred rupees.	Twenty rupees.
Section 191, sub-sections (3) and (4).	Obligation to forward list of dogs liable to taxation.	Twenty rupees.	
Section 196 ...	Requisition on owner or occupier to forward list of persons carrying on profession, trade or calling in his premises.	One hundred rupees.	Twenty rupees.
Section 199, sub-section (2).	Prohibition of introduction of petroleum into Calcutta for storage.	One thousand rupees.	
Section 201, sub-section (3).	Keeping or possessing cart not duly registered.	Three times the amount payable for registration, exclusive of the amount so payable.	
Section 201, sub-section (4).	Failing to affix registration number to cart.	Five rupees.	
Section 203, sub-section (4).	Obligation on person driving cart to register himself and to carry registration ticket on his person.	Ten rupees ...	Five rupees.
Section 238, sub-section (2).	Improper use of filtered water supplied for domestic purposes.	Ten rupees ...	Five rupees.
Section 239, sub-section (3).	Use of unfiltered water for domestic purposes.	Five rupees.	
Section 246 ...	Requisition on owner to obtain adequate supply of water from nearest main for his building.	Fifty rupees ...	Ten rupees.
Section 261, sub-section (2).	Unauthorizedly taking water for use without Calcutta.	Fifty rupees.	
Section 265 ...	Requisition to fill up well ...	Twenty-five rupees	Five rupees.
Section 272, sub-section (1).	Constructing railway, private street, wall or other structure over municipal drain.	One hundred rupees	Ten rupees.
Section 276, sub-section (1).	Unlawfully connecting house-drain with municipal drain.	One hundred rupees	Ten rupees.
Section 277 ...	Requisition on owner of premises to connect his house-drain with a drain in private street.	Fifty rupees ...	Five rupees.
Section 279 ...	Requisition on owner of premises to make house drain and provide appliances or fittings, or to remove house-drain, &c.	Fifty rupees ...	Five rupees.

(Part VIII.—Chapter XXXV.—Penalties.—Clause 492.)

1	2	3	4
Sections, sub-sections, clauses, provisions or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 280 ...	Requisition on owner of premises to make house-drain communicating with nearest municipal drain or closed cess-pool.	Fifty rupees ...	Five rupees.
Section 281 ...	Direction to owner of premises as to closing or limiting the use of house-drain.	Fifty rupees ...	Five rupees.
Section 282, sub-section (1).	Requisition to construct house-drain	Fifty rupees ...	Five rupees.
Section 283 ...	Requisition on owner of courtyard, alley or passage to pave, repair and raise level of same.	Fifty rupees ...	Five rupees.
Section 284, sub-section (2).	Requisition on owner of land to construct new surface drain for benefit of occupants of hut; and failure to maintain, etc., such surface drain.	Fifty rupees ...	Five rupees.
Section 285 ...	Construction, maintenance and regulation of drains.	Two hundred rupees	Twenty rupees.
Section 287, sub-section (2).	Keeping a public privy or urinal without license, or suffering a licensed public privy or urinal to be in a filthy or noxious state	One hundred rupees	Fifty rupees.
Section 288, sub-section (1).	Provision of privy and urinal or bathing or washing place for building.	One hundred rupees.	
Section 289, sub-section (1).	Requisition on owner of premises to provide or alter privy or urinal, or bathing or washing place, for or in premises.	Fifty rupees ...	Five rupees.
Section 290 ...	Requisition on owner to provide privies and urinals for premises used by large numbers of people.	Two hundred rupees	Twenty rupees.
Section 291 ...	Construction, maintenance and regulation of privies, urinals and appurtenances thereof in accordance with rules.	Two hundred rupees	Twenty rupees.
Section 296, sub-section (1).	Requisition on owner of premises to close, remove, renew or take other order with house-drain, ventilation-shaft or pipe, cesspool, house-gully, privy or urinal.	Fifty rupees ...	Five rupees.
Section 297, sub-section (1).	Position of cesspools ...	One hundred rupees.	
Section 297, sub-section (2).	Requisition to remove or fill up cesspools.	One hundred rupees	Twenty rupees.
Section 298, sub-section (1).	Construction of house-drain, service privy, etc., within fifty feet of tank, well, etc.	Twenty rupees.	
Section 298, sub-section (2).	Requisition on owner of land to remove receptacle for sewage or offensive matter.	Twenty rupees ...	Five rupees.
Section 302, clause (b).	Requisition on owner of premises to alter, pave, repair, etc., house-drain, cesspool, privy or urinal.	One hundred rupees	Twenty rupees.
Section 303 ...	Requisition on occupier of premises to carry out work which owner may be required to carry out.	The amount which may be levied as fine on the owner in each case.	The amount which may be levied as daily fine on the owner in each case.
Section 305 ...	Prohibition of certain acts in connection with drainage, etc.	One hundred rupees	Twenty rupees.
Section 310, sub-section (1).	Prohibition of execution of certain work by persons other than licensed plumbers.	Two hundred and fifty rupees.	

(Part VIII.—Chapter XXXV.—Penalties.—Clause 492.)

1	2	3	4
Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 310, sub-section (2).	Prohibition of owner or occupier of premises causing or allowing certain work to be executed by persons other than licensed plumbers.	Fifty rupees.	
Section 311, sub-section (2).	Prohibition of licensed plumber demanding or receiving more than prescribed charge.	Twenty rupees.	
Section 313, sub-section (7)	Prohibition of licensed plumber infringing rules, executing work carelessly or negligently, or using bad materials, appliances or fittings.	Fifty rupees.	
Section 319, sub-section (1).	Requisition on owner or occupier of building to remove or alter fixture or portion of building.	Two hundred rupees	Twenty rupees.
Section 322, sub-section (1).	Prohibition of erection of, or addition to, building or wall within street alignment prescribed under section 321.	Five hundred rupees	Fifty rupees.
Section 322, sub-section (3).	Requisition to remove building erected or added to on site between street alignment and building-line prescribed under section 321.	Fifty rupees	Ten rupees.
Section 328	(i) Prohibition of erection of, or addition to, building or wall within street alignment of a street projected under section 327.	Five hundred rupees.	Fifty rupees.
	(ii) Requisition to remove building erected or added to on site between street alignment and building-line of a street projected under section 327.	Fifty rupees	Ten rupees.
Section 333, sub-section (2), proviso second.	Requisition to widen private street to full width.	Two hundred and fifty rupees.	Fifty rupees.
Section 334	Unlawfully making or laying out a private street.	Five hundred rupees	Fifty rupees.
Section 336, sub-section (1).	Requisition on owner of private street or owner or occupier of adjoining land to level, etc., such street.	One hundred rupees	Ten rupees.
Section 344, sub-section (8).	Erection of new building in contravention of declaration by the Corporation.	Two hundred rupees.	
Section 345	Prohibition of erection of building without permission or so as to deprive another building of proper means of access.	Two hundred rupees	Fifty rupees.
Section 346	Requisition upon owner of public building to bring same into conformity with the provisions of the Act relating to new public buildings.	Five hundred rupees	One hundred rupees.
Section 347, sub-section (1).	Change in user of building without special permission.	Two hundred rupees in the case of a masonry building, and fifty rupees in the case of a hut.	Fifty rupees in the case of a masonry building, and ten rupees in the case of a hut.
Section 347, sub-section (2), proviso.	Requisition to close shop	Fifty rupees	Twenty rupees.
Section 355	Erecting or adding to hut in a <i>hustee</i> before preparation of plan by owner and approval of same.	Fifty rupees.	

(Part VIII.—Chapter XXXV.—Penalties.—Clause 492.)

1	2	3	4
Sections, sub-sections, clauses, provisions or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 356 ...	Erecting or adding to hut in a <i>bustee</i> contrary to standard plan.	Fifty rupees.	
Section 357, sub-section (1).	Requisition on owner to remove hut in <i>bustee</i> not in conformity with standard plan.	Fifty rupees ...	Twenty rupees.
Section 358, sub-section (1).	Requisition on owner of <i>bustee</i> to construct drains, etc., and to fill up, etc., tanks, wells, etc., in accordance with standard plan.	Two hundred rupees	Twenty rupees.
Section 361 ...	Requisition on owners or occupiers to carry out in <i>bustee</i> improvements indicated in Schedule A annexed to report under section 359.	Two hundred rupees	Twenty rupees.
Section 369, sub-section (d).	Failure to keep open private street in <i>bustee</i> for scavenging and other purposes and for use of tenants.	Fifty rupees ...	Ten rupees.
Section 370 ...	Failure to keep open bathing and privy accommodation in <i>bustee</i> for use of tenants.	Fifty rupees ...	Ten rupees.
Section 371, sub-section (2).	Requisition on owner to maintain in proper order streets, drains, etc., in <i>bustees</i> , according to standard plan.	Two hundred rupees	Twenty rupees.
Section 374, sub-section (5).	Requisition on owner applying to re-erect huts to carry out improvements before re-erecting such huts.	One hundred rupees	Ten rupees
Section 375, sub-section (4).	Erection of hut or portion of hut within alignment prescribed for private streets in <i>bustee</i> or other area.	One hundred rupees.	
Section 376 ...	Requisition on owners or occupiers to remove huts.	Fifty rupees ...	Ten rupees.
Section 377 ...	Requisition on person erecting masonry building in <i>bustee</i> to leave space of twenty feet from centre line of street.	One hundred rupees	Twenty rupees
Section 379 ...	Requisition on occupiers to cleanse <i>bustee</i> .	One hundred rupees	Ten rupees.
Section 381, clause (i).	Direction to alter or demolish work or structures.	Five hundred rupees in the case of a masonry building, and fifty rupees in the case of a hut.	One hundred rupees in the case of a masonry building, and ten rupees in the case of a hut.
Section 382, clause (a).	Direction to alter or demolish certain structures.	One hundred rupees	Fifty rupees.
Section 383, sub-section (1).	Requisition on person carrying on work unlawfully to stop work pending decision of Magistrate.	Five hundred rupees	One hundred rupees.
Section 385, sub-section (1).	Constructing railway, private street, building, wall or other structure over municipal gas-pipe.	One hundred rupees	Twenty rupees.
Section 386, sub-section (2).	Provision of land in <i>bustee</i> when required for deposit or disposal of rubbish, etc.	Ten rupees ...	Three rupees.
Section 387, sub-section (1).	Direction to collect rubbish and offensive matter and deposit it at or near entrance to premises.	Ten rupees.	

(Part VIII.—Chapter XXXV.—Penalties.—Clause 492.)

1	2	3	4
Sections, sub-sections, clauses, provisions or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 387, sub-section (2).	Direction to collect rubbish and offensive matter and deposit it in public receptacle.	Ten rupees.	
Section 387, sub-section (3).	Direction to collect rubbish and offensive matter and deposit it in lump in street or premises.	Ten rupees.	
Section 388 ...	Direction to collect and remove rubbish and offensive matter accumulating on business premises or on premises in which building work is going on.	Ten rupees.	
Section 392, clause (b).	Prohibition of use by the public for bathing, etc., of any place not constructed therefor.	Ten rupees.	
Section 397, sub-section (3).	Using building declared unfit for human habitation.	Five hundred rupees	One hundred rupees.
Section 398, sub-section (2).	Requisition on owner or occupier to demolish building declared unfit for human habitation.	Five hundred rupees	One hundred rupees.
Section 399 ...	Requisition on owner or occupier to furnish statement of occupants, accommodation, etc., of building.	Twenty-five rupees	Five rupees.
Section 400, sub-section (1).	Requisition on owner to abate overcrowding in building or room.	Twenty-five rupees	Five rupees.
Section 400, sub-section (4).	Requisition on inmate to vacate overcrowded building or room.	Twenty rupees ...	Five rupees.
Section 401, sub-section (1).	Establishing, extending, etc., factory, etc., without permission.	One thousand rupees	One hundred rupees.
Section 402, sub-section (1).	Using premises for certain trades, etc., without licence or contrary to terms of licence.	Five hundred rupees	One hundred rupees.
Section 403, sub-section (5).	Using premises in declared area for any purpose referred to or mentioned in section 402.	Fifty rupees ...	Five rupees.
Section 404, sub-section (1).	Requisition on occupier to discontinue use of premises for certain trades near dwelling-houses.	Two hundred rupees	Fifty rupees.
Section 405 ...	Failure to comply with direction of Magistrate in regard to use of premises proved to be a nuisance.	Five hundred rupees	One hundred rupees.
Section 406, sub-section (1).	Fouling water in carrying on trade or manufacture.	One thousand rupees	Two hundred rupees.
Section 408 ...	Keeping open theatre or other place of public amusement without licence or contrary to terms of licence.	Five hundred rupees	One hundred rupees.
Section 412, sub-section (1).	Sale in municipal market without licence	Fifty rupees.	
Section 413, sub-section (2).	Establishing new private market without sanction of Corporation.	One thousand rupees.	
Section 414, sub-section (1).	Keeping open, etc., private market, permitting any place to be used as private market, or using place as slaughter-house or stock-yard without licence, or contrary to terms of licence.	Two hundred rupees	Twenty-five rupees
Section 416 ...	Using as market a place which Magistrate has directed to be closed.	One hundred rupees	Twenty rupees.

(Part VIII.—Chapter XXXV.—Penalties.—Clause 492.)

1	2	3	4
Sections, sub-sections, clauses, provisions or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 417 ...	Requisition to pave and drain private market, <i>bazar</i> , private slaughter-house or place set apart for sacrifice of animals.	Fifty rupees ...	Ten rupees.
Section 418, sub-sections (1) and (2).	Requisition on owner or occupier of private market or <i>bazar</i> to lay out, alter, etc., approaches, roads, passages and ways, and to provide conveniences for, and maintain, the same.	Fifty rupees ...	Ten rupees.
Section 422, sub-section (1).	Carrying on trade of butcher or selling animals, meat or fish outside market without license.	One hundred rupees	Ten rupees.
Section 423 ...	Sale of milk without license ...	Fifty rupees ...	Ten rupees.
Section 424, sub-section (1).	Sale, etc., of adulterated food or drug ...	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.	
Section 425, sub-section (1).	Sale, etc., of milk, <i>ghee</i> , mustard oil or notified article, which is not of prescribed quality.	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.	
Section 425, sub-section (2).	Sale, etc., of articles similar to milk, <i>ghee</i> , etc.	One hundred rupees for a first offence and five hundred rupees for any subsequent offence.	
Section 426, sub-section (1).	Keeping or permitting to be kept substance intended to be used for adulteration of <i>ghee</i> , mustard oil, etc.	One hundred rupees for a first offence and five hundred rupees for any subsequent offence.	
Section 427, sub-section (1).	Sale of diseased or unwholesome animal or article intended for human food.	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.	
Section 428, sub-section (1).	Keeping shop or place for retail sale of drugs without a license.	One hundred rupees	Twenty rupees.
Section 428, sub-section (3).	Display of license in premises ...	Fifty rupees ...	Ten rupees.
Section 430, sub-section (1).	Compounding, etc., drugs in licensed shop or place without certificate or permission.	Fifty rupees.	
Section 430, sub-section (2).	Employing unauthorized person to compound, etc., drugs in licensed shop, or place.	Two hundred rupees.	
Section 434, sub-section (3).	Removing, interfering or tampering with animal, food, drug, etc., seized and left in custody.	Two hundred rupees.	
Section 437, sub-sections (1), (2) and (3).	Sale or surrender of articles of food or drug required for purposes of analysis.	Two hundred rupees.	
Section 440 ...	Medical practitioners to give information of existence of dangerous disease.	Fifty rupees.	
Section 442, sub-section (2).	Removing or using, for the purpose of drinking or of washing clothes, water which is likely to engender or spread a dangerous disease.	Two hundred rupees	Twenty rupees.

(Part VIII.—Chapter XXXV.—Penalties.—Clause 492.)

1	2	3	4
Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 443, sub-section (4).	Removal to hospital of patient suffering from dangerous disease.	One hundred rupees.	
Section 444, sub-section (1).	Requisition on occupier to vacate building or part thereof, to admit of disinfection.	Fifty rupees ...	Ten rupees.
Section 446, sub-section (1).	Letting infected building ...	Five hundred rupees.	
Section 447, sub-section (2).	Washing infected article at unauthorized place.	One hundred rupees.	
Section 447, sub-section (3).	Direction to disinfect or destroy articles likely to retain infection.	One hundred rupees.	
Section 448, sub-section (1).	Transmitting, etc., infected article ...	Two hundred rupees.	
Section 449, sub-section (1).	Infected person entering or causing or permitting himself to be carried in public conveyance.	Fifty rupees.	
Section 449, sub-sections (3) and (4).	Accompanying or carrying infected person in public conveyance.	Two hundred rupees.	
Section 450, sub-section (1).	Taking public conveyance to appointed place for disinfection.	Two hundred rupees.	
Section 450, sub-section (2).	Intimation of number, and disinfection of infected conveyance.	Two hundred rupees.	
Section 450, sub-section (3).	Using infected public conveyance ...	Five hundred rupees.	
Section 451, sub-section (2).	Carrying infected persons in other than special conveyances, without sanction of Commissioner.	Two hundred rupees.	
Section 457 ...	Information of birth ...	Ten rupees.	
Section 458 ...	Information of death ...	Ten rupees.	
Section 459 ...	Notice by medical practitioner to Health Officer, stating cause of death.	Fifty rupees.	
Section 461 ...	Burying, burning or otherwise disposing of corpse without certificate.	One hundred rupees.	
Section 463 ...	Registration of place for disposal of the dead, and depositing of plan in municipal office.	One hundred rupees.	
Section 465 ...	Opening or using place for disposal of the dead without permission.	Five hundred rupees.	
Section 466, sub-section (2).	Prohibition of use of place of public worship, etc., for disposal of the dead.	Five hundred rupees.	
Section 468, sub-section (1).	Making vault, grave or interment, or disposing of corpse, or exhuming corpse, in certain cases, without permission.	Five hundred rupees.	
Section 473, sub-section (1).	Certain persons to act as census enumerators, and to obey instructions of Superintendent.	One hundred rupees.	
Section 501, sub-section (6).	Production of license or written permission.	Fifty rupees ...	Ten rupees.

(Part VIII.—Chapter XXXV.—Penalties.—Clause 492.)

1	2	3	4
Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Section 512 ...	Obstructing Commissioner or other person in entering into or upon premises.	Two hundred rupees for a first offence and five hundred rupees for any subsequent offence.	
Section 531, sub-section (3).	Occupier to afford facilities to owner for complying with Act, rules, by-laws and requisitions.	Fifty rupees ...	Twenty rupees.
Section 556, clause (a).	Direction to owner of building to demolish the same.	Five hundred rupees in the case of a masonry building, and fifty rupees in the case of a hut.	One hundred rupees in the case of a masonry building, and ten rupees in the case of a hut.
Schedule VI, rule 6, clause (c).	Polling-officer to record vote of illiterate voter and maintain secrecy.	One hundred rupees.	
Schedule XIII, rule 1, sub-rule (2).	Requisition on owner to lay down separate service-pipe from main for supply of water to his premises.	Fifty rupees ...	Ten rupees.
Schedule XIII, rule 2, sub-rule (1).	Obligation on owner to provide separate stop-cocks for controlling supply of un-filtered water.	Fifty rupees ...	Ten rupees.
Schedule XIII, rule 3.	Requisition on owner to fix outer stop-cock so as always to be accessible from nearest street.	Fifty rupees ...	Ten rupees.
Schedule XIII, rule 5, sub-rule (3).	Executing works for supply of water otherwise than in presence of authorized municipal officer.	One hundred rupees.	
Schedule XIII, rule 7, sub-rule (1).	Requisition on owner or occupier of premises to replace or alter fittings for supply of water.	Fifty rupees ...	Five rupees.
Schedule XIII, rule 12.	Fraud in respect of meter ...	One hundred rupees.	
Schedule XIII, rule 13.	Injuring meter or fittings thereof ...	One hundred rupees.	
Schedule XIV, rule 14, sub-rule (2).	Requisition on owner or occupier of premises to repair, flush, cleanse, etc., or take other order with house-drain.	Fifty rupees ...	Five rupees.
Schedule XIV, rule 15, sub-rule (2).	Requisition on owner or owners of premises to repair, flush, cleanse or empty joint house-drain.	Fifty rupees ...	Five rupees.
Schedule XIV, rule 16, sub-rule (1).	Requisition on person laying private underground drain to alter or add to the work.	Fifty rupees ...	Five rupees.
Schedule XIV, rule 17.	Unlawfully constructing drain so as to pass beneath a building.	One hundred rupees.	
Schedule XIV, rule 21, sub-rule (4).	Attaching service-privy or service-urinal to inhabited portion of any building.	Fifty rupees ...	Five rupees.
Schedule XIV, rule 22, sub-rule (1).	Placing service-privy or service-urinal on upper floor.	Twenty rupees ...	Five rupees.
Schedule XIV, rule 22, sub-rule (1), proviso.	Requisition to pay sum for removing sewage from service-privy or service-urinal situated on upper floor.	Twenty rupees.	
Schedule XIV, rule 22, sub-rule (2).	Requisition to convert service-privy or service-urinal into a connected-privy or connected-urinal.	Twenty rupees ...	Five rupees.

(Part VIII.—Chapter XXV.—Penalties.—Clause 492.)

1	2	3	4
Sections, sub-sections, clauses, provisoes or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Schedule XIV, rule 23, sub-rule (1).	Requisition to form a passage giving access to a privy or urinal from the street.	Twenty rupees ...	Five rupees.
Schedule XIV, rule 38.	Requisition to alter privy or urinal ...	Twenty rupees ...	Five rupees.
Schedule XV, rule 1, sub-rule (2).	Requisition to trim, prune or cut hedges and trees.	Twenty rupees ...	Five rupees.
Schedule XV, rule 2, sub-rule (1).	Erection of verandah supported by pillars resting on street.	Two hundred and fifty rupees.	Fifty rupees
Schedule XV, rule 2, sub-rule (2).	Placing roof on certain verandahs ...	Two hundred and fifty rupees.	Fifty rupees.
Schedule XV, rule 2, sub-rule (3).	Putting up verandahs, etc., to project over street without permission.	Two hundred and fifty rupees.	Fifty rupees.
Schedule XV, rule 2, sub-rule (5).	Requisition on owner or occupier of building to comply with condition subject to which permission was given to put up verandahs, etc., projecting over street.	One hundred rupees	Twenty rupees.
Schedule XV, rule 2, sub-rule (6).	Requisition on owner or occupier of building to remove verandahs, etc., projecting over street.	One hundred rupees	Twenty rupees.
Schedule XV, rule 3, sub-rule (1).	Erection or maintenance of sky-sign without permission.	Two hundred rupees	Fifty rupees.
Schedule XV, rule 4, sub-rule (2).	Unlawfully removing fence or shoring timber or removing or extinguishing light.	Fifty rupees.	
Schedule XV, rule 5, sub-rule (3).	Unlawfully infringing order prohibiting traffic or removing bar, chain or post in street.	Fifty rupees.	
Schedule XV, rule 7, sub-rule (2).	Unlawfully destroying, pulling down, etc., name of public street.	Twenty rupees.	
Schedule XV, rule 8, sub-rule (2).	Unlawfully destroying, pulling down, etc., number of premises.	Twenty rupees.	
Schedule XVI, rule 7, sub-rule (1).	Construction of external roofs or walls of buildings with inflammable materials.	Twenty-five rupees	Five rupees.
Schedule XVI, rule 7, sub-rule (2).	Requisition on owner of building to remove or alter external roof or wall.	Twenty-five rupees	Five rupees.
Schedule XVI, rule 19.	Sending written notice to Commissioner before commencing to erect masonry building.	Fifty rupees.	
Schedule XVI, rule 20.	Sending written notice or certificate, or sending untrue certificate, to Commissioner after completion of erection of masonry building.	One hundred rupees.	
Schedule XVI, rule 22, sub-rule (1).	Requisition on owner of building to make specified alterations.	Five hundred rupees in the case of a masonry building, and fifty rupees in the case of a hut.	Fifty rupees in the case of a masonry building, and ten rupees in the case of a hut.
Schedule XVI, rule 38, sub-rule (3).	Using a new building as a dwelling-house before obtaining certificate from Commissioner.	One hundred rupees.	Fifty rupees.

(Part VIII.—Chapter XXXV.—Penalties.—Clause 492.)

1	2	3	4
Sections, sub-sections, clauses, provisions or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
Schedule XVI, rule 53,	Requisition on owner to provide public building with external doors or to cause such doors to open outwards.	One hundred rupees.	Ten rupees.
Schedule XVI, rule 57, sub-rule (1) and sub-rule (4).	Employment of licensed building surveyor or other competent person to supervise erection of masonry building.	Two hundred rupees.	Twenty rupees.
Schedule XVI, rule 64.	Erection of masonry building without written permission.	Two hundred rupees.	
Schedule XVI, rule 66, sub-rule (1).	Erection of masonry building without fresh permission after lapse of original permission.	Two hundred rupees.	
Schedule XVI, rule 80.	Erection of hut without written permission.	Fifty rupees.	
Schedule XVI, rule 91.	Erection of hut without fresh permission after lapse of original permission.	Fifty rupees.	
Schedule XVII, rule 2.	Requisition on owner or occupier to lime-wash or otherwise cleanse building.	Fifty rupees ...	Ten rupees.
Schedule XVII, rule 3.	Requisition on owner or person concerned to secure, enclose, cleanse or clear land or building which is untenanted, filthy or a nuisance.	Fifty rupees ...	Five rupees.
Schedule XVII, rule 4, sub-rule (1).	Requisition on owner or occupier to take down, repair or secure building or fixture in a ruinous state, etc.	Five hundred rupees.	One hundred rupees.
Schedule XVII, rule 4, sub-rule (2).	Requisition on inmate to vacate building in ruinous state, etc.	Two hundred rupees	Fifty rupees.
Schedule XVII, rule 6, sub-rule (1).	Requisition on owners or occupiers to execute works or take measures with respect to buildings or block of buildings in order to prevent risk of disease.	Five hundred rupees in the case of a masonry building or block of masonry buildings, and one hundred rupees in the case of a hut or block of huts.	One hundred rupees in the case of a masonry building or block of masonry buildings, and twenty rupees in the case of a hut or block of huts.
Schedule XVII, rule 7, sub-rule (1).	Requisition to cleanse, fill up or de-water well, pool, ditch, tank, pond or marshy ground, or to drain off or remove waste or stagnant water.	Two hundred rupees.	Fifty rupees.
Schedule XVII, rule 8, sub-rule (3).	Making excavation or digging cesspool, tank, pond, well or pit after prohibition.	One hundred rupees.	
Schedule XVII, rule 8, sub-rule (4).	Requisition on owner or occupier of land to fill up excavation, cesspool, tank, pond, well or pit unlawfully made.	Fifty rupees ...	Five rupees.

(Part VIII.—Chapter XXXV.—Penalties.—Clauses
493-496.)

Punishment for
contravening rule
made under section
452.

493. Whoever contravenes any provision of any rule made under section 452 shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code.

[Cf. 1899, s. 576.]

XLV of 1860.

Punishment for
acquiring share or
interest in contract,
etc., with the Cor-
poration.

494. If the Commissioner or Deputy Commissioner or any municipal officer or servant knowingly acquires, directly or indirectly, by himself or a partner or employer or employé, otherwise than as such Commissioner, Deputy Commissioner, officer or servant, any share or interest in any contract or employment with, by, or on behalf of, the Corporation, not being a share or interest such as, under clause (ii) or clause (iv) of section 59, it is permissible for a Councillor to have without being thereby disqualified for being a Councillor, he shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.

[Cf. 1899, s. 577.]

XLV of 1860.

Fine for not taking
out certain licenses.

495. (1) If any person—

(a) owns or is in charge of any carriage or animal liable to any tax imposed under Chapter XII, or

(b) exercises on or after the first day of July in any year, any profession, trade or calling referred to in Chapter XIII, or

(c) exercises on or after the first day of June or the first day of December in any year any calling referred to in Chapter XIV,

without having the license prescribed by those Chapters, respectively, he shall be punished with fine which—

(i) may extend to three times the amount payable in respect of such license, and

(ii) shall not be less than one-and-a-half times such amount.

(2) Such fine, when levied, shall be taken in full satisfaction of the demand on account of the said license.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section 188, fails to pay such sum, the amount due for a license being taken as the amount so compounded for.

[Cf. 1899, s. 578.]

Fine for unlawfully
commencing, carrying
on or completing
building work.

496. If the erection of any new building—

(a) is commenced without obtaining the written permission of the Commissioner, or

(b) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(c) is carried on or completed in breach of any provision contained in this Act or in any rules or by-laws made thereunder, or of any direction or requisition lawfully given or made under this Act or such rules or by-laws, or

[Cf. 1899, s. 579.]

if any alteration of, or addition to, any building or any other work made or done for any purpose in, to or upon any building is commenced, carried on or completed in breach of section 348,

(Part VIII.—Chapter XXV.—Penalties.—Clauses 497-500.)

the owner of the building shall be liable to fine which may extend in the case of masonry building to five hundred rupees and in the case of a hut to fifty rupees, and to further fine which may extend in the case of a masonry building to one hundred rupees and in the case of a hut to ten rupees for each day during which the offence is continued after the first day.

Fine for putting building to other than declared use.

497. When a new building has been erected, or when any building has been altered or added to after a statement has been made, under rule 55 or rule 83 of Schedule XVI, that it was intended to use the building or any part thereof for any of the purposes specified in Schedule XVIII, or as a stable, cattle-shed or cow-house, then any person putting the building or such part thereof to any use other than that so stated shall be liable,—

[Cf. 1899, s. 582.]

(a) in the case of a masonry building, to fine which may extend to five hundred rupees, and to further fine which may extend to one hundred rupees for every day after the first during which he continues such use, and,

(b) in the case of a hut, to fine which may extend to fifty rupees, and to further fine which may extend to ten rupees for every day after the first during which he continues such use.

Fine for using building for carrying on offensive trade without previous declaration.

498. When a new building has been erected, or when any building has been altered or added to under this Act without any statement having been made under rule 55 or rule 83 of Schedule XVI; that it was intended to use the building or any part thereof for any of the purposes specified in Schedule XVIII, or as a stable, cattle-shed or cow-house, then any person using the building or any part thereof for any of those purposes shall be liable,—

[Cf. 1899, s. 583.]

(a) in the case of a masonry building, to fine which may extend to five hundred rupees, and to further fine which may extend to one hundred rupees for every day after the first during which he continues such use, and,

(b) in case of a hut, to fine which may extend to fifty rupees, and to further fine which may extend to ten rupees for every day after the first during which he continues such use.

Penalty on mehters, etc., withdrawing from work without notice.

499. Any *mehter* or other servant of the Corporation referred to in section 391 who withdraws from his duties in contravention of that section shall be punished with fine which may extend to one hundred rupees, or with rigorous imprisonment for a term which may extend to three months, or with both, and shall forfeit any salary which may be due to him.

[Cf. 1899, s. 584.]

Penalty for obstructing contractor or removing mark.

500. Any person who, in contravention of section 559, obstructs or molests any person with whom the Commissioner has entered into a contract, or, in contravention of section 560, removes any mark, shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to two months.

[Cf. 1899, s. 585.]

PART IX.

CHAPTER XXXVI.

PROCEDURE.

Licenses and Written Permissions.

Duration, conditions, signature, suspension, revocation and production of licenses and written permissions.

501. (1) Every license and written permission granted under this Act or under any rule or by-law made thereunder shall be granted and signed by the Commissioner and shall specify— [Cf. 1899, s. 500.]

- (a) the date of the grant thereof;
- (b) the purpose and the period (if any) for which it is granted;
- (c) the restrictions and conditions (if any) subject to which it is granted;
- (d) the name of the person to whom it is granted; and
- (e) the tax or fee paid for the license or written permission.

(2) Except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, for every such license or written permission a fee may be charged at such rate as may from time to time be fixed by the Corporation, and such fee shall be payable by the person to whom the license is granted.

(3) Subject to the provisions of proviso (i) to section 414, any license or written permission granted under this Act or under any rule or by-law made thereunder may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is infringed or evaded by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule or by-law made thereunder in any matter to which such license or permission relates.

(4) Any person whose license is suspended or revoked under sub-section (3) may appeal to the General Appeals Committee or, in the case of a licensed building surveyor, to the Buildings Appeals Committee.

(5) When any such license or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall for all purposes of this Act or of any rule or by-law made thereunder be deemed to be without a license or written permission until such time (whether within the said period or otherwise) as the Commissioner may see fit to cancel the order suspending or revoking the license or written permission, or until the license or written permission is renewed, as the case may be.

(6) Every grantee of any such license or written permission shall at all reasonable times, while such license or written permission remains in force, produce the same at the request of the Commissioner.

Public Notices and Advertisements.

Public notices how to be made known.

502. Every public notice given under this Act or under any rule or by-law made thereunder shall be in writing under the signature of the Commissioner. [Cf. 1899, s. 507.]

*(Part IX.—Chapter XXXVI.—Procedure.—
Clauses 503-507.)*

and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in local newspapers, or by any two or more of these means, and by any other means that the Commissioner may think fit.

Newspapers in which advertisements or notices to be published.

503. Whenever it is provided by this Act or by any rule or by-law made thereunder that notice shall be given by advertisement in local newspapers, or that a notification or any information shall be published in local newspapers, such notice, notification or information shall be inserted, if practicable, in at least two English newspapers and two vernacular newspapers published in Calcutta. [Cf. 1899, s. 598.]

Evidence.

Proof of consent, etc., of municipal authorities or municipal officer.

504. Whenever under this Act or under any rule or by-law made thereunder the doing or the omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of— [Cf. 1899, s. 599.]

- (a) the Corporation or the Commissioner, or
- (b) any municipal officer,

as the case may be, a written document signed in case (a) by the Commissioner, and in case (b) by the said municipal officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence of such approval, sanction, consent, concurrence, declaration, opinion or satisfaction.

Signature and Service of Notices, etc.

Signature on notices, etc., may be stamped.

505. (1) Every license, written permission, notice, bill, summons or other document which is required by this Act or by any rule or by-law made thereunder to bear the signature of the Commissioner or of any municipal officer, shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or of such municipal officer, as the case may be, stamped thereupon. [Cf. 1899, s. 599.]

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the Municipal Fund under section 107.

Notices, etc., by whom to be served or issued.

506. All notices, bills, summonses and other documents required by this Act or by any rule or by-law made thereunder to be served upon, or issued to, any person, shall be so served or issued by municipal officers or servants or by other persons authorized by the Commissioner in that behalf. [Cf. 1899, s. 599.]

Service how to be effected on owner or occupier of premises.

507. When any notice, bill, summons or other document is required by this Act or by any rule or by-law made thereunder to be served upon or issued to any person as owner or occupier of any land or building, it shall not be necessary to name the owner or occupier in the document, and the service or issue thereof shall be effected— [Cf. 1899, s. 599.]

- (a) by giving or tendering such document to the owner or occupier or, if there be more than one owner or occupier, to any one of the owners or occupiers of such land or building; or,

(Part IX.—Chapter XXXVI.—Procedure.—Clauses
508-510.)

- (b) if the owner or occupier is not found, by giving or tendering such document to any adult male member of the family, or to a servant in the employ, of the owner or occupier or of any one of the owners or occupiers; or,
- (c) if none of the means mentioned in clause (a) or clause (b) be available, by causing a notice on yellow paper, in the form prescribed in Schedule XXI, or in a form to the like effect, setting forth the substance of such document, to be affixed on some conspicuous part of the land or building to which the document relates.

Service how to be effected otherwise than on owner or occupier of premises.

508. When any notice, bill, summons or other document is required by this Act or by any rule or by-law made thereunder to be served upon or issued to any person otherwise than as owner or occupier of any land or building, such service or issue shall be effected—

- (a) by giving or tendering such document to such person; or,
- (b) if such person is not found, by leaving such document at his last known place of abode in Calcutta, or by giving or tendering the same to any adult male member of his family or servant in his employ; or,
- (c) if such person does not reside in Calcutta and his address elsewhere is known to the Commissioner, by forwarding such document to him by post under cover bearing the said address; or,
- (d) if none of the means referred to in clause (a), clause (b) or clause (c) be available, by causing a notice on yellow paper in the form prescribed in Schedule XXI, or in a form to the like effect, setting forth the substance of such document, to be affixed on some conspicuous part of the land or building (if any) to which the document relates.

Sections 506 to 508 not to apply to Magistrate's summons.

509. Nothing in sections 506, 507 and 508 shall apply to any summons issued under this Act by a Magistrate. [1899, a. 594.]

Powers of entry.

Power to Commissioner to enter premises to inspect, survey, etc., and to use force in certain cases.

510. (1) The Commissioner may enter into or upon any premises, with or without assistants or workmen, in order to make any inspection, survey, measurement, valuation or inquiry, or execute any work which is authorized by this Act or by any rule or by-law made thereunder, or which, in his opinion, it is necessary for any of the purposes or in pursuance of any of the provisions of this Act or of any such rule or by-law, to make or execute: [Cf. 1896, a. 596.]

Provided as follows:—

- (a) except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no such entry shall be made between sunset and sunrise;

(Part IX)—Chapter XXXVI.—Procedura.—Clause 511.)

- (b) except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no dwelling-house, and no public building or hut which is used as a dwelling-place, shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours' previous written notice of the intention to make such entry;
- (c) notwithstanding any power to enter any premises conferred upon the Commissioner by this Act or by any rule or by-law made thereunder, sufficient notice of such entry shall in every instance be given to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy need not be disturbed;
- (d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(2) The Commissioner shall not use any force for the purpose of effecting any entry under sub-section (1), unless—

[Cf. 1899, a. 478 (2), proviso.]

- (i) such entry cannot otherwise be effected, and
- (ii) there is reason to believe that an offence is being, or has been, committed against any provision of this Act or any by-law or rule made thereunder.

(3) Except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (1), or by the use of any necessary force under sub-section (2).

[Cf. 1899, a. 478 (2) and 501 (2).]

Power to Commissioner to enter on lands adjacent to works.

511. (1) The Commissioner may enter upon any land adjoining or within one hundred yards of any works authorized by this Act or by any rule or by-law made thereunder for the purpose of depositing upon such land any soil, gravel, sand, lime, bricks, stone or other materials, or of obtaining access to such works, or for any other purpose connected with the carrying on of such works.

[Cf. 1899, a. 500.]

(2) The Commissioner shall, before entering upon any land under sub-section (1), give the owner and occupier (if any) three days' previous written notice of his intention to make such entry, and of the purpose thereof, and shall, if so required by the owner or occupier, set apart by sufficient fences so much of the land as may be required for the purposes mentioned in or referred to in the said sub-section.

(3) The Commissioner shall not be bound to make any payment, tender or deposit before entering upon any land under sub-section (1), but shall do as little damage as may be, and shall pay compensation to the owner and occupier (if any) of the land for such entry and for any temporary damage that may be done in consequence thereof, and shall also pay compensation to the said owner for any permanent damage resulting therefrom.

(Part IX.—Chapter XXXVI.—Procedure.—Clauses 512-514.)

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the Commissioner under sub-section (3), he may appeal to the General Appeals Committee.

Prohibition of obstructing entry under section 510 or 511.

512. No person shall, in any way, obstruct the Commissioner, or any municipal officer or other person accompanying or acting under the orders of the Commissioner, in making any entry under section 510 or section 511.

Enforcement of Orders to execute Work, etc.

Time for complying with requisition or order, and power to Commissioner to enforce requisition or order in default of person directed.

513. (1) When any requisition or order is made under this Act or under any rule or by-law made thereunder, by written notice issued by any municipal authority or by any municipal officer empowered under section 20 in this behalf,—

- (a) a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect;
- (b) if an appeal against such notice is allowed by this Act or by any rule or by-law made thereunder, the period prescribed for the presentation of such appeal by section 530 or by any other provision of this Act or by any such rule or by-law shall be stated in such notice; and,
- (c) if no appeal is so allowed, a reasonable period shall be prescribed in such notice within which any written objection thereto shall be received by the municipal authority or officer issuing the notice.

(2) If, in any case not otherwise provided for in this Act or in any rule or by-law made thereunder, such requisition or order or any portion thereof is not complied with within the period prescribed under clause (a) of sub-section (1), the Commissioner may, subject to the provisions of sections 514, 515, and 516, take such measures, or cause such work to be executed or such things to be done, as may, in his opinion, be necessary for giving due effect to the requisition or order so made;

and, unless it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

(3) The Commissioner may take any measure, execute any work or cause anything to be done under this section whether or not the person who has failed to comply with the requisition or order is liable to punishment, or has been prosecuted or sentenced to any punishment, under this Act or under any rule or by-law made thereunder for such failure.

Submission of objections to complying with notice.

514. (1) Any person who is served with a written notice in which a period for receiving objections has been prescribed under clause (c) of section 513 may, within the said period, deliver to the municipal authority or officer by whom it was issued a written objection setting forth any reasons which he may desire to urge for the withdrawal or modification of the notice.

(2) If any such objection be delivered before the expiration of the said period, the execution of the

(Part IX.—Chapter XXXVI.—Procedure.—Clauses 515-517.)

work may be postponed until the municipal authority or officer by whom the notice was issued has passed orders on the objection.

(3) If the objector has stated in his written objection that he wishes to be heard in person, he shall be entitled to be so heard, and the objection shall be considered in his presence, at a time to be fixed by notice issued in this behalf by the said authority or officer.

Right of person served with notice to require estimate of expenses of work.

515. (1) Any person on whom a written notice referred to in section 514, sub-section (1), has been served may—

[Cf. 1899, s. 600.]

(a) instead of delivering an objection under section 514, or

(b) at the time of delivering such an objection,

apply, within the period prescribed in clause (c) of section 513, to the municipal authority or officer by whom the notice was issued for an estimate of the expenses which would be incurred if the notice were enforced under section 513, sub-section (2); and, on receipt of such an application, the said authority or officer shall supply such estimate.

(2) If the said authority or officer fails to supply such estimate, not more than five rupees shall be charged to the said person for any work executed by the Commissioner by way of enforcing the said notice under section 513.

Reference of objections to General Appeals Committee.

516. (1) If any estimate supplied under section 515 in respect of any work referred to in any written notice exceeds three hundred rupees, no work shall be executed by the Commissioner by way of enforcing the said notice until the expiration of ten days from the date on which the estimate was so supplied.

[Cf. 1899, s. 600.]

(2) Within a period of seven days from the said date, the person on whom the notice was served may apply in writing to have his objections to the execution of the work or to the estimated cost of the work determined by the General Appeals Committee;

and, if such application be made within the said period, no work shall be executed under section 513, by way of enforcing the said notice, until the said Appeals Committee have disposed of such objections.

Recovery of Expenses.

Power to Commissioner to accept agreement for payment of expenses in instalments.

517. Whenever under this Act or under any rule or by-law made thereunder the expenses of any work executed or of any measure taken or thing done by, or under the order of, any municipal authority, any Magistrate or any municipal officer empowered under section 20 in this behalf, are payable by any person, the Commissioner may, if he thinks fit, instead of recovering any such expenses in any other manner provided in this Act or in any rule or by-law made thereunder, take an agreement from the said person to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of six *per centum per annum*, within a period of not more than five years.

[Cf. 1899, ss. 602 (1) and 606.]

(Part IX.—Chapter XXVI.—Procedure.—Clauses 518-522.)

Power to Commissioner to declare certain expenses to be improvement expenses.

518. (1) If any expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned— [Cf. 1899, s. 608.]

(a) in section 277, section 279, section 282, sub-section (1), section 289, section 296, section 336, section 417 or section 418, clause (b), or rule 5 of Schedule XIII, or rule 7 of Schedule XVII, or

(b) in any rule or by-law made under this Act in which this section is made applicable to such expenses,

the Commissioner may, if he thinks fit, declare such expenses to be improvement expenses.

(2) An appeal shall lie to the General Appeals Committee from any declaration made by the Commissioner under sub-section (1).

Improvement expenses how recoverable and by whom payable.

519. (1) Improvement expenses, as declared under section 518, shall be a charge on the premises in respect of which or for the benefit of which the same have been incurred, and shall be recoverable in instalments of such amounts, not being less for any premises than twelve rupees *per annum*, and at such intervals, as will suffice to discharge such expenses, together with interest thereon at the rate of six *per centum per annum*, within such period, not exceeding thirty years, as the Commissioner may in each case determine. [Cf. 1899, ss. 607 and 612.]

(2) The said instalments shall be payable by the owner or occupier of the premises on which the expenses are so charged:

Provided that when the occupier pays any such instalment he shall be entitled to deduct the amount thereof from the rent payable by him to the owner, or to recover the same from the owner in any Court of competent jurisdiction.

Right of owner or occupier to redeem charge for improvement expenses.

520. At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to the Commissioner such part of the said expenses as are still payable. [Cf. 1899, s. 609.]

Execution of work by occupier in default of owner, and deduction of expenses from rent.

521. Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act or under any rule or by-law made thereunder, the occupier (if any) of such land or building may, with the approval of the Commissioner, execute the said work, and he shall be entitled to recover from the owner the reasonable expenses incurred by him in so doing and may deduct the amount thereof from the rent payable by him to the owner. [Cf. 1899, s. 611.]

Relief to agents and trustees.

522. (1) Whenever any person, by reason of his— [Cf. 1899, s. 613.]

(a) receiving the rent of immovable property as agent or trustee, or

(b) being as agent or trustee the person who would receive the rent if the property were let to a tenant,

would, under this Act or under any rule or by-law made thereunder, be bound to discharge any obligation imposed thereby on the owner of the property

*(Part IX.—Chapter XXXVI.—Procedure.—Clauses
523-526.)*

and for the discharge of which money is required, and such person has not in his hands funds belonging or payable to the owner sufficient for the purpose,

he shall, within a reasonable time from the service upon him of any notice from any municipal authority or any municipal officer empowered under section 20 in this behalf requiring him to discharge the said obligation, be bound to apply to a Court of competent jurisdiction for leave to raise the necessary funds or for such other directions in relation thereto as the circumstances of the case may require.

(2) Any agent or trustee who fails to apply to the Court under sub-section (1) shall be deemed to be personally liable to discharge the said obligation.

Payment of Compensation.

General power to
Commissioner to pay
compensation.

523. In any case not otherwise expressly provided for in this Act or in any rule or by-law made thereunder, the Commissioner may pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act, or by any such rule or by-law, in any municipal authority, officer or servant: [Cf. 1899, a.
614.]

Provided that no compensation exceeding one thousand rupees shall be paid by the Commissioner under this section without the previous sanction of the Corporation.

Compensation to be
paid by offenders for
damage caused by
them.

524. (1) Any person who has been convicted of an offence against this Act or against any rule or by-law made thereunder shall, notwithstanding any punishment to which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to any property of the Corporation resulting from the said offence as the Commissioner may consider reasonable. [Cf. 1899, a.
615.]

(2) In the event of dispute regarding the amount of compensation payable under sub-section (1), such amount shall, on application made to him, be determined by the Magistrate before whom the said person was convicted of the said offence; and, on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

*Recovery of Expenses or Compensation in case of
Dispute.*

Reference by
Commissioner to
Small Cause Court or
High Court in certain
cases.

525. (1) If, when the Commissioner demands payment of any expenses referred to in section 517, his right to demand the same or the amount of the demand is disputed, the Commissioner shall refer the case for the determination of the Court of Small Causes having jurisdiction, or, if the amount involved exceeds two thousand rupees, to the High Court. [Cf. 1899, a.
616.]

(2) The Commissioner shall, pending the decision on any such reference, defer further proceedings for the recovery of the sum claimed by him, and shall, after the decision, proceed to recover only such amount (if any) as is thereby declared to be due.

Application to
Small Cause Court in
other cases.

526. (1) Where, in any case not provided for by section 525, any person or municipal authority is required by this Act or by any rule or by-law made thereunder to pay any expenses or any compensation, [Cf. 1899, a.
617.]

(Part IX.—Chapter XXXVI.—Procedure.—Clauses 527-530.)

the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute, be determined by the Court of Small Causes having jurisdiction, on application being made to it for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

(2) This section shall not apply to any case—

(a) in which an appeal is allowed under this Act or under any rule or by-law made thereunder to any Appeals Committee in respect of the amount of such expenses or compensation or the apportionment thereof; or

(b) which is otherwise provided for in section 436, sub-section (3), section 524, sub-section (2), or section 540, sub-section (2), or in the Land Acquisition Act, 1894, as amended by section 479 of this Act.

I of 1894.

Recovery of sums ascertained under section 526 to be due.

527. If the amount of any expenses or compensation determined by a Court of Small Causes under section 526 is not paid on demand by the person liable to pay the same, it shall be recoverable as if the same were due under a decree of the said Court.

[Cf. 1899, s. 613.]

Power to persons claiming expenses or compensation to sue.

528. Any person claiming any expenses or compensation of which the amount due has been ascertained as hereinbefore provided may,—

[Cf. 1899, s. 613.]

(a) instead of proceeding in any manner hereinbefore prescribed for the recovery of such expenses or compensation, or,

(b) after having proceeded in the said manner unsuccessfully or with only partial success,

recover the said amount or the balance thereof, as the case may be, in any Court of competent jurisdiction from the person liable for the same.

Recovery of certain dues.

Recovery of certain dues by distress and sale.

529. In any case not expressly provided for in this Act or in any rule or by-law made thereunder, any sum due to the Corporation on account of any charge, costs, expenses, fees, rates or rent or on any other account under this Act or under any such rule or by-law shall be recoverable by distress and sale of the movable property of the person from whom such sum is due, in the manner provided by Chapter XVII.

[Cf. 1899, s. 620.]

Limitation of time for appeal.

Limitation of time for appeal.

530. (1) In any case in which no time is expressly prescribed in this Act or in any rule or by-law made thereunder for the presentation of an appeal allowed thereunder, such appeal shall be presented within thirty days after—

[Cf. 1899, s. 621.]

(a) the date of the order or proceedings against which the appeal is made, or,

(b) in the case of a written notice referred to in section 513, sub-section (1), the date of service of the notice.

(Part IX.—Chapter XXXVI.—Procedure.—Clauses
531, 532.)

(2) The provisions of section 5 of the Indian Limitation Act, 1908, shall, with all necessary modifications, be deemed to apply to every such appeal. IX of 1908.

Obstruction of owner by occupier.

Application to
Chief Judge by owner
when occupier pre-
vents his complying
with Act, etc.

531. (1) The owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of this Act or of any rule or by-law made thereunder, or with any requisition made under any such provision in respect of such land or building, apply to the Chief Judge of the Court of Small Causes of Calcutta.

[Cf. 1899, s. 622.]

(2) The said Chief Judge, on receipt of any such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or requisition, and may also, if he thinks fit, direct that the costs of such application and order be paid by the occupier.

(3) After eight days from the date of any such order, the said occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be prescribed in the said order; and, in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

Proceedings before Court of Small Causes.

General powers
and procedure of
Small Cause Courts.

532. (1) Whenever under this Act or under any rule made thereunder, any application, appeal or reference is made to a Court of Small Causes or to the Chief Judge of the Court of Small Causes of Calcutta, the said Court or Judge, as the case may be, may, for the purposes of any inquiry or proceeding in connection with such application, appeal or reference, summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents by the same means and, as far as is possible, in the same manner as is provided by the Presidency Small Cause Courts Act, 1882, or the Provincial Small Cause Courts Act, 1887, as the case may be;

[Cf. 1899, ss. 622 and 626.]

and in all matters relating to any such inquiry or proceeding the said Court or Chief Judge shall be guided generally by the provisions of the said Presidency Small Cause Courts Act, or of the said Provincial Small Cause Courts Act, as the case may be, so far as the same are applicable.

(2) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the said Court or Chief Judge may hear and determine the case in his absence.

(3) The costs of every such inquiry or proceeding, as determined by the said Court or Chief Judge, shall be payable by such parties and in such proportions as the said Court or Chief Judge may direct, and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the said Court or Chief Judge.

XV of 1882.
IX of 1887.

(Part IX.—Chapter XXXVI.—Procedure.—Clauses
533-538.)

Fees in proceedings
before Small Cause
Courts.

533. (1) The Local Government may, by notification in the *Calcutta Gazette*, prescribe what fee (if any) shall be paid— [Cf. 1899, ss. 624 and 625.]

(a) on any application, appeal or reference made under this Act to a Court of Small Causes or to the Chief Judge of the Court of Small Causes of Calcutta, as the case may be; and

(b) for the issue, in connection with any inquiry or proceeding of any such Court or of the said Chief Judge under this Act, of any summons or other process;

Provided that the fees (if any) prescribed under clause (a) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fees leviable, for the time being, under the provisions of the Presidency Small Cause Courts Act, 1882, in cases in which the value of the claim or subject-matter is of like amount. XV of 1882.

(2) The Local Government may, by a like notification, determine by what person any fee prescribed under clause (a) shall be payable.

(3) No application, appeal or reference shall be received by any Court of Small Causes or by the said Chief Judge until the fee (if any) prescribed therefor under clause (a) has been paid:

Provided that the said Court or the said Chief Judge may, in any case in which it or he thinks fit so to do,—

(i) receive an application, appeal or reference made by or on behalf of a poor person, and

(ii) issue process on behalf of any such person,

without payment or on part payment of the fees prescribed under this section.

Repayment of half-
fees on settlement
before hearing.

534. Whenever any application, appeal or reference made under this Act to a Court of Small Causes or to the Chief Judge of the Court of Small Causes of Calcutta, as the case may be, is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the said Court or the said Chief Judge to the parties by whom the same have respectively been paid. [Cf. 1899, ss. 625 and 626.]

Power to the Chief
Judge to delegate
certain of his powers
and to make rules.

535. The Chief Judge of the Court of Small Causes of Calcutta may— [1899, s. 627.]

(a) delegate, either generally or specially, to any other Judge of the said Court his power to receive applications under this Act or under any rule made thereunder and to discharge any other duty in connection with such applications except the hearing and adjudication thereof; and

(b) make rules providing for any matter connected with the exercise of the jurisdiction conferred upon him by this Act or by any rule made thereunder which is not therein specifically provided for.

Proceedings before Magistrates.

Municipal Magi-
strates.

536. (1) The Local Government may appoint one or more Magistrates for the trial of offences against— [Cf. 1899, s. 628.]

(Part IX.—Chapter XXXVI—Procedure.—Clauses
537-539.)

- (a) this Act,
 (b) the rules or by-laws made thereunder, and
 (c) the Calcutta Hackney-Carriage Act, 1891.

Ben. Act II
of 1891.

and may prescribe the times and places at which such Magistrate or Magistrates shall sit for the despatch of business.

(2) Such Magistrates shall be called Municipal Magistrates and shall be paid such salary, pension and leave-allowances by the Local Government as may from time to time be fixed by the Local Government.

(3) The Corporation shall, out of the Municipal Fund, pay to the Local Government the amounts of the salary, pension and leave-allowances as fixed under sub-section (2), together with the cost of the establishments of the said Magistrates, and all other incidental charges in connection with such establishments.

(4) Each such Magistrate shall have jurisdiction over the whole of Calcutta.

Cognizance
of offences.

537. All offences against this Act or against any rule or by-law made thereunder, whether committed in or without Calcutta, shall be cognizable by any Magistrate having jurisdiction in Calcutta; and such Magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed by reason only of his being—

[Cf. 1899, s. 629.]

(a) liable to pay any municipal rate or other tax, or

(b) benefited by the Municipal Fund to the credit of which any fine imposed by him shall be payable.

Power to Magistrate to hear case in absence of accused when summoned to appear.

538. If any person summoned to appear before a Magistrate to answer a charge of an offence against this Act or against any rule or by-law made thereunder fails to appear at the time and place mentioned in the summons, the Magistrate may, if—

[Cf. 1899, s. 630.]

(a) service of the summons is proved to his satisfaction, and

(b) no sufficient cause is shown for the non-appearance of such person,

hear and determine the case in his absence.

Limitation of time
for prosecution.

539. (1) No person shall be liable to punishment for any offence against this Act or against any rule or by-law made thereunder, unless complaint of such offence is made before a Magistrate within three months, or, if the offence be against the provisions of section 153, within six months, next after—

[Cf. 1899, s. 631.]

(a) the date of the commission of such offence, or,

(b) if such date is not known or the offence is continuous in its nature, the date on which the commission or existence of such offence was first brought to the notice of the Commissioner or of any municipal officer or servant.

[Cf. Ben. Act III of 1884, s. 353.]

(Part IX.—Chapter XXXVI.—Procedure.—Clauses 540-542.)

(2) Failure to take out a license under this Act shall be deemed, for the purposes of sub-section (1), to be a continuing offence until the expiration of the period for which the license is required to be taken out.

(3) When, before the expiration of the period of limitation prescribed by sub-section (1) for a prosecution for failure to comply with a requisition made by the Commissioner under section 357, section 358 or section 361, a notice under section 374, sub-section (1), has been sent to the Commissioner by any person to whom such requisition has been addressed, a fresh period of limitation of three months for such prosecution shall be computed from the expiration of the period of six months referred to in section 374, sub-section (3).

Complaints concerning nuisances, and procedure thereupon.

540. (1) The Commissioner, or any person who resides in Calcutta, may complain to a Magistrate of the existence of any nuisance. [Cf. 1899, s. 632.]

(2) Upon receipt of any such complaint, the Magistrate, after making such inquiry as he thinks necessary, may, if he sees fit, by written order direct the Commissioner—

- (a) to put in force any of the provisions of this Act or of the rules or by-laws made thereunder, or to take such measures as to such Magistrate may seem practicable and reasonable for preventing, abating, diminishing or remedying such nuisance;
- (b) to recover the expenses of so doing from any person specified in this behalf in such order; and
- (c) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

Power to Magistrate to direct demolition and payment of fine in respect of unlawful work.

541. When under this Act or under any rule or by-law made thereunder any person is liable, in respect of any unlawful work,— [Cf. 1899, s. 463.]

- (a) to pay a fine, and
- (b) to be required to demolish the work,

a Magistrate may, in his discretion, direct the said person to pay the fine and also to demolish the work.

Legal Proceedings.

Power to Commissioner to institute, etc., legal proceedings and obtain legal advice.

542. The Commissioner may, subject to the control of the Corporation,— [Cf. 1899, s. 633.]

- (a) institute, defend or withdraw from legal proceedings under this Act or under any rule or by-law made thereunder;
- (b) compound any offence against this Act or against any rule or by-law made thereunder which, under any enactment for the time being in force, may lawfully be compounded

(Part IX.—Chapter XXXVI.—Procedure.—Clauses 543, 544.)

- (c) admit, compromise or withdraw any claim made under this Act or under any rule or by-law made thereunder; and
- (d) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the Corporation or any Appeals Committee to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority, officer or servant.

Notice, limitation and tender of amends in suit against municipal authority, etc.

543. (1) No suit shall be instituted against any municipal authority, officer or servant, or any person acting under the direction of any municipal authority, officer or servant in respect of any act purporting to be done under this Act or under any rule or by-law made thereunder, until the expiration of one month next after written notice has been delivered or left at the Municipal Office or the residence of such officer, servant or person, stating—

[Cf. 1892, a. 63.]

- (a) the cause of action,
- (b) the name and residence of the intending plaintiff, and
- (c) the relief which he claims.

[Cf. Ben. Act V of 1911, a. 156.]

(2) Every such suit shall be commenced within three months next after the accrual of the cause of action, and the plaint therein shall contain a statement that a notice has been delivered or left as required by sub-section (1).

(3) If any authority or person to whom any notice is given under sub-section (1) tenders sufficient amends to the plaintiff before the suit is instituted, the suit shall be dismissed.

(4) If no such tender be made, such authority or person may pay into Court such sum of money as it or he thinks fit, and thereupon such proceeding shall be had as in other cases in which defendants are allowed to pay money into Court.

(5) Nothing in the foregoing sub-sections shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

Indemnity to municipal authorities, etc.

544. No suit shall be maintainable against any municipal authority, officer or servant, or any person acting under the direction of any municipal authority, officer or servant, or of a Magistrate, in respect of anything lawfully and in good faith and with due care and attention done under this Act or under any rule or by-law made thereunder.

[Cf. 1892, a. 63.]

PART X.

CHAPTER XXXVII.

SUPPLEMENTAL PROVISIONS.

Alteration of limits of Calcutta.

Power to Local Government to notify intention to alter limits of Calcutta.

545. The Local Government may, by notification published in the *Calcutta Gazette* and in such other manner as the Local Government may determine, declare their intention—

[*Cf.* 1899, s. 630.]

- (a) to exclude from Calcutta any local area (not being within the ordinary original jurisdiction of the High Court at Fort William in Bengal) comprised therein and defined in the notification, or,
- (b) at the request of the Corporation, to include in Calcutta any local area (other than Howrah) in the vicinity of the same and defined in the notification:

Provided that, where the local area to be so excluded or included is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous sanction of the Government of India.

Power to Local Government to alter limits after considering objections.

546. (1) When a notification has been published under section 545 in respect of any local area,—

[*Cf.* 1899, s. 637.]

- (a) any inhabitant of Calcutta or of such local area, and,
- (b) when such local area is part of a municipality constituted under the Bengal Municipal Act, 1884, and is to be included in Calcutta, the Commissioners of the said municipality,

[*Cf.* Ben. Act III of 1884, s. 9A.]
Ben. Act III of 1884.

may submit his or their objection (if any) to the alteration proposed in writing to the Local Government within six weeks from the publication of the notification in the *Calcutta Gazette*; and the Local Government shall take such objection into consideration.

(2) When six weeks from the publication of the notification in the *Calcutta Gazette* have expired and the Local Government have considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by notification in the *Calcutta Gazette*, exclude the said local area from Calcutta, or include it therein, as the case may be.

(3) When the local area to be included within Calcutta under clause (b) of section 545 is part of a municipality constituted under the Bengal Municipal Act, 1884, nothing in section 9 or section 9A of that Act shall be deemed to debar the Local Government from including such area in Calcutta by notification under sub-section (2), and the local area so included shall thereupon cease to be part of the said municipality.

Ben. Act III of 1884.

(Part X.—Chapter, XXXVII.—Supplemental Provisions.—Clauses 547—550.)

Effect of exclusion of local area from Calcutta.

547. (1) When a local area is excluded from Calcutta under section 546,—

(a) this Act, and all rules, by-laws, orders, directions and powers made, issued or conferred thereunder, shall cease to apply thereto; and

(b) the Local Government shall, after consulting the Corporation, frame a scheme determining what portion of the balance of the Municipal Fund and other property vested in the Corporation shall vest in His Majesty for the benefit of such local area, and in what manner the liability of the Corporation shall be apportioned between the Corporation and the Secretary of State for India in Council; and, on the publication of the scheme in the *Calcutta Gazette*, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in His Majesty under subsection (1) shall be applied, under the orders of the Local Government, to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the said local area.

Effect of inclusion of local area in Calcutta.

548. When any local area is included in Calcutta under section 546, this Act, and, except as the Local Government may otherwise by notification in the *Calcutta Gazette* direct, all rules, by-laws, orders, directions and powers made, issued or conferred thereunder, and in force throughout Calcutta at the time the local area is so included, shall, apply in such area.

Extension of Act to Howrah and to other Municipalities in the neighbourhood of Calcutta.

Power to Local Government to notify intention to extend Act to Howrah or other neighbouring municipality.

549. The Local Government may, by notification published in the *Calcutta Gazette* and in such other manner as they may determine, declare their intention to extend to the Municipality of Howrah or to any other municipality in the neighbourhood of Calcutta, or to any part thereof, subject to the modifications and restrictions (if any) specified in such notification, all or any portions of this Act which do not already apply thereto.

Power to Local Government to extend Act after considering objections.

550. (1) The Commissioners of the Municipality of Howrah or of such other neighbouring municipality as may be specified in a notification published under section 549, or any inhabitants thereof, may, if they object to the declaration contained therein, submit their objection in writing to the Local Government within such period as may be specified in this behalf in the said notification; and the Local Government shall take such objections into consideration.

(2) When the said period has expired, and the Local Government have considered the objections (if any) which have been submitted under subsection (1), the Local Government may, by notification in the *Calcutta Gazette*, extend to the Municipality of Howrah or to the said neighbouring

(Part X.—Chapter XXXVII.—Supplemental Provisions.—Clauses 551, 552.)

municipality, or to the part thereof specified in the said notification, as the case may be, all or any of the portions of this Act which were specified in that notification, subject to the modifications and restrictions (if any) specified therein or subject to such other modifications or restrictions (if any) as the Local Government may think fit, or without modification or restriction of any kind.

Effect of extension of Act.

551. If all or any portions of this Act which do not already apply to the Municipality of Howrah or to any other municipality in the neighbourhood of Calcutta be extended to such municipality, or to any part thereof, under section 550, then—

[Cf. 1899, s. 642.]

(a) the Bengal Municipal Act, 1884, or the corresponding portions of that Act, as the case may be, shall be repealed in the said municipality or part on and from the date of such extension; and,

Ben. Act III of 1884.

(b) except as the Local Government may otherwise by notification in the *Calcutta Gazette* direct, all rules, by-laws, orders, directions and powers made, issued or conferred under the portions of this Act which have been so extended and in force at the date of such extension, shall apply to the said municipality or part, in supersession of all corresponding rules, by-laws, orders, directions and powers made, issued or conferred under the said Bengal Municipal Act, 1884.

Ben. Act III of 1884.

Explanation.—The extension to the Municipality of Howrah or to any other municipality in the neighbourhood of Calcutta, or to any part thereof, of any portion of this Act shall not have the effect of placing the said municipality or part under the authority of any municipal authority constituted or appointed for Calcutta.

Police.

Co-operation of the Police.

552. (1) The Commissioner of Police and his subordinates shall—

[Cf. 1899, s. 643.]

(a) co-operate with the Commissioner for carrying into effect and enforcing the provisions of this Act and for maintaining good order in Calcutta, and,

(b) on the order of a Magistrate, assist the municipal authorities in carrying out any order made by a Magistrate under this Act.

(2) It shall be the duty of every police-officer in Calcutta—

(i) to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission of any offence against this Act or against any rule or by-law made thereunder, and

(ii) to assist the Commissioner or any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the Commissioner or in such municipal officer or servant under this Act or under any such rule or by-law.

(Part X.—Chapter XXXVII.—Supplemental Provisions.—Clauses 553—557.)

Power to police to arrest offenders.

553. (1) It shall be the duty of every police-officer to arrest any person who commits, in his view, any offence against this Act or against any rule or by-law made thereunder, if the name and address of such person be unknown to him, and if such person, on demand, declines to give his name and address or gives a name or address which such officer has reason to believe to be false. [Cf. 1899, s. 644.]

(2) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of a Magistrate, for any longer time (not exceeding at the most twenty-four hours from the arrest) than is necessary for bringing him before a Magistrate.

(3) On the written application of the Commissioner, the Chief Engineer, or the Health Officer, any police-officer above the rank of constable shall arrest any person who obstructs any municipal officer or servant in the exercise of any of the powers conferred by this Act or by any rule or by-law made thereunder.

Special provisions as to land and buildings in Hastings.

Control by General Officer Commanding the Presidency District over Government land and buildings.

554. Notwithstanding anything contained in this Act, all land and buildings belonging to the Government in that part of Hastings which is included in Calcutta shall be subject to the control of the General Officer Commanding the Presidency District. [1899, s. 649.]

Sanction of Government of India required to erection of masonry building.

555. Notwithstanding anything contained in this Act— [Cf. 1899, s. 650.]

(a) permission to erect a masonry building in that part of Hastings which is included in Calcutta shall not be given or be deemed to have been given unless and until the sanction of the Government of India has been obtained; and

(b) such sanction shall not be applied for unless the plan of the building and the site-plan of the land are approved by the Commissioner of Police.

Demolition of buildings erected without such sanction.

556. (1) If the erection of any masonry new building in that part of Hastings which is included in Calcutta is, after the commencement of this Act, commenced, carried on or completed without obtaining the sanction of the Government of India, the Commissioner shall, if requested by the General Officer Commanding the Presidency District so to do,— [Cf. 1899, s. 651.]

(a) by written notice direct the owner to demolish the building, or

(b) himself cause the building to be demolished at the expense of the owner.

(2) No person shall be entitled to any compensation on account of such demolition.

General Provisions.

Who to be deemed owner or occupier, where there are gradations of owners or occupiers.

557. (1) Whenever any right is conferred or duty imposed by or under this Act, or by any rule or by-law made thereunder, on the owner or occupier of any premises, and, in consequence of there being [Cf. 1899, s. 645.]

(Part X.—Chapter XXXVII.—Supplemental Provisions.—Clauses 558-562.)

gradations of owners or occupiers, doubt arises as to who is the owner or occupier entitled to exercise such right or bound to perform such duty, the Commissioner may, after due enquiry, determine from time to time which of such owners or occupiers shall be deemed to be so entitled or bound:

Provided that if the name of any one of such owners or occupiers has been entered in the assessment-book in pursuance of any decision given by the Commissioner under section 161, sub-section (2), such owner or occupier shall be deemed to be so entitled or bound until his name is duly removed from the said assessment-book.

(2) An appeal shall lie to the General Appeals Committee from any order passed by the Commissioner under sub-section (1).

Commissioner, Councillors, Municipal officers, etc., to be deemed public servants.

558. The Commissioner, the Deputy Commissioner, every Councillor, every municipal officer and servant, every contractor or agent for the collection of any municipal rate or other tax or fee and every servant or other person employed by any such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

[Cf. 1899, s. 646.]

Prohibition of obstruction of municipal contractors.

559. No person shall obstruct or molest any person (not being a person referred to in section 558) with whom the Commissioner has entered into a contract on behalf of the Corporation, in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue, or in consequence of, this Act or any rule or by-law made thereunder.

[Cf. 1899, s. 647.]

Prohibition of removal of mark.

560. No person shall remove any mark set up for the purpose of indicating any level, measurement or direction necessary to the execution of works authorized by this Act or by any rule or by-law made thereunder.

[Cf. 1899, s. 648.]

Construction of References and Savings.

Construction of references in other enactments.

561. (1) In every enactment in force at the commencement of this Act unless a different intention appears,—

- (a) all references to the Chairman of the Corporation of Calcutta shall be construed as references to the Commissioner,
- (b) all references to the Commissioners of the said Corporation shall be construed as references to the Councillors referred to in section 6, and
- (c) all references to, or to any Chapter or section of the Calcutta Municipal Act, 1899, shall, so far as may be, respectively be construed as references to this Act or to its corresponding Chapter or section.

Ben. Act II of 1899.

(2) The sections of the Calcutta Improvement Act, 1911, mentioned in column 1 of the table in Schedule XXII shall be construed as if references therein to the General Committee were references to the municipal authorities respectively mentioned opposite thereto in column 2 of that table.

Ben. Act V of 1911.

Saving of prior enactments.

562. Except as in this Act otherwise expressly provided, nothing in this Act shall be deemed to affect the provisions of any other enactment.

SCHEDULE I.

[V. 1899,
Sch. I.]

"CALCUTTA".

[See section 3, clause (9) and section 487.]

"Calcutta" is the area bounded as follows:—

by a line drawn along the southern and western bank of the Circular Canal from the River Hooghly to the point where it meets the Baliaghata Canal; thence eastward along the southern bank of the Baliaghata Canal to the point where it meets the Pagladanga Road; thence along the northern and eastern edge of the Pagladanga Road to the point where it meets the Chingrighatta Road; thence along the southern edge of the Chingrighatta Road to the point where it meets the South Tangra Road; thence along the eastern and southern edge of the South Tangra Road to the point where it meets the Tapsia Road; thence along the eastern, southern and western edge of the Tapsia Road to the point where it meets the Tiljala Road; thence westward along the southern edge of the Tiljala Road to the Eastern Bengal State Railway, Southern Section; thence southward along the western edge of the line of that Railway, and westward along the northern edge of the Budge-Budge Branch of that Railway, to the Russa Road, South; thence southward along the eastern edge of Russa Road, South, to the point where it meets the Tollyganj Circular Road; thence along the southern edge of the Tollyganj Circular Road to the point where it meets the Shahapur Road; thence westward along the southern edge of the Shahapur Road and its continuations, the Guragacha Road and the Taratala Road, to the point where it meets the Sonai Road; thence northward along the western edge of the Taratala Road and the Nimakmahal Ghat Road to the River Hooghly; and thence along the left bank of the River Hooghly to its junction with the Circular Canal,

except that it does not include—

- (1) Fort William,
- (2) the Esplanade, or
- (3) that part of Hastings which is bounded on the south by a line drawn along the southern edge of the Clyde Road from the St. George's Gate Road to the point where it meets the Strand Road, thence northward along the western and southern edge of the Strand Road to the point where it meets the River Hooghly.

SCHEDULE II.

RULES AS TO LICENSES FOR THE EXERCISE OR CARRY-
ING ON OF PROFESSIONS, TRADES AND CALLINGS.

(See sections 38, 193, 194, 195, and 229.)

Classes of licenses
and tax on each.

1. Every license shall be granted under one or other of the classes mentioned in the second column of the following table and there shall be paid annually for the same the fee mentioned in that behalf in the third column of that table:—

1	2	3
Serial No.	Classes.	Fees.
CLASS I.		
1	Company or association or body of individuals, the paid-up capital of which is equivalent to ten lakhs of rupees or upwards, which exercises or carries on any profession, trade or calling whatsoever.	Two hundred rupees.
CLASS II.		
2	Company or association or body of individuals, which exercises or carries on any profession, trade or calling whatsoever and is not included in Class I.	One hundred rupees.
3	Merchant, banker, wholesale trader, commission agent, architect, civil engineer, builder, contractor, auctioneer or carrier, whose place of business is valued under Chapter XI at Rs. 350 per annum or upwards.	Ditto.
4	Owner or occupier of a cotton, jute, hide or other screw-house or press-house, Ditto ...	Ditto.
5	Owner or occupier of a market, bazar or theatre or a place of public entertainment kept up for the purpose of profit, Ditto ...	Ditto.
6	Printer, publisher, lithographer, engraver, die-sinker, photographer or phototyper, Ditto ...	Ditto.
7	Proprietor of a newspaper, periodical or journal, Ditto ...	Ditto.
8	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper, Ditto ...	Ditto.
CLASS III.		
9	Practising surgeon, physician, dentist, barrister, attorney, vakil of the High Court, proctor, notary public, public accountant, average adjuster, shroff or banian,	Fifty rupees.
10	Bookmaker or turf accountant,	Ditto.
11	Merchant, banker, wholesale trader, commission agent, architect, civil engineer, builder, contractor, auctioneer or carrier, who is not included in Class II.	Ditto.

(Schedule II.—Rules as to Licenses for the Exercise or Carrying on of Professions, Trades and Callings.—Rule 1.)

1	2	3
Serial No.	Classes.	Fees.
CLASS III—concluded.		
12	Owner or occupier of a market, bazar, or theatre, or a place of public entertainment kept up for the purpose of profit, who is not included in Class II.	Fifty rupees.
13	Proprietor of a newspaper, periodical or journal, Ditto ...	Ditto.
14	Printer, publisher, lithographer, engraver, die-sinker, photographer or phototyper, who is not included in Class II and whose place of business is valued under Chapter XI at Rs. 100 per mensem or upwards.	Ditto.
15	Owner or occupier of a cotton, jute, hide or other screw-house or press-house, Ditto ...	Ditto.
16	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper, Ditto ...	Ditto.
17	Plumber, electric-fitter or gas-fitter, whose place of business is valued under Chapter XI at Rs. 100 per mensem or upwards.	Ditto.
CLASS IV.		
18	Broker or dala employed in the wholesale transfer or purchase of imports or exports, country produce, silk or other merchandise.	Twenty-five rupees.
19	Insurance agent, broker or canvasser.	Ditto.
20	Commercial traveller.	Ditto.
21	Purchaser of goods in Calcutta for transport and sale beyond the limits of Calcutta.	Ditto.
22	Broker or dealer in precious stones.	Ditto.
23	Broker or dealer in houses, landed property, Government securities, shares or bills of exchange.	Ditto.
24	Surveyor (including a licensed building surveyor) or professional measurer.	Ditto.
25	Professional artist or sculptor.	Ditto.
26	Freight-broker.	Ditto.
27	Practising licentiate of medicine or surgery, practising apothecary, or practising veterinary surgeon.	Ditto.
28	Keeper of a shop for the sale of any liquor or intoxicating drug or a billiard-room.	Ditto.
29	Owner or occupier of a wholesale tobacco, jute or other depôt.	Ditto.

(Schedule II.—Rules as to Licenses for the Exercise or Carrying on of Professions, Trades and Callings.—Rule 1.)

1	2	3
Serial No.	Classes	Fees.
CLASS IV—concluded.		
30	Owner of a steam ferry-boat or a cargo boat.	Twenty-five rupees.
31	Pawnbroker or money-lender.	Ditto.
32	Pleador, who is not included in Class III.	Ditto.
33	Printer, publisher, lithographer, engraver, die-sinker, photographer or phototyper, who is not included in Class II or Class III, and whose place of business is valued under Chapter XI at Rs. 25 per mensem or upwards.	Ditto.
34	Owner or occupier of a cotton, jute, hide or other scrow-house or press-house, Ditto ...	Ditto.
35	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper, who is not included in Class II or Class III, and whose place of business is valued under Chapter XI at Rs. 25 per mensem or upwards.	Ditto.
36	Plumber, electric-fitter or gas-fitter, who is not included in Class III, and whose place of business is valued under Chapter XI at Rs. 25 per mensem or upwards.	Ditto.
37	Carriage-dealer or horse dealer, whose place of business is valued under Chapter XI at Rs. 25 per mensem or upwards.	Ditto.
CLASS V.		
38	Broker or dala!, who is not included in Class IV.	Twelve rupees.
39	Mukhtear or law agent.	Ditto.
40	Professional draftsman.	Ditto.
41	Professional actor, singer or musician.	Ditto.
42	Professional astrologer or fortune-teller.	Ditto.
43	Keeper of a permanent stall in a daily market, who is not included in any higher class.	Ditto.
44	Keeper of a shop within fifty yards of a daily market who is a seller of goods similar in kind to other goods sold in such market, Ditto ...	Ditto.
45	Poddar or money-changer.	Ditto.
46	Medical practitioner (whether registered or otherwise), practising hakim, kabiraj, graduate of the Bengal Veterinary College or midwife, who is not included in any higher class.	Ditto.
47	Order-supplier, coolie-supplier, shipping agent or boat-supplier.	Ditto.

(Schedule II.—Rules as to Licenses for the Exercise or Carrying on of Professions, Trades and Callings.—Rules 2, 3.)

1	2	3
Serial No.	Classes.	Fees.
CLASS V—concluded.		
48	Printer, publisher, lithographer, engraver, die-sinker, photographer or phototyper, who is not included in Class II, Class III or Class IV, and whose place of business is valued under Chapter XI at Rs. 10 per mensem or upwards.	Twelve rupees.
49	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper, Ditto ...	Ditto.
50	Plumber, electric-fitter or gas-fitter, who is not included in Class III or Class IV, and whose place of business is valued under Chapter XI at Rs. 10 per mensem or upwards.	Ditto.
51	Carriage-dealer or horse-dealer, who is not included in Class IV, and whose place of business is valued under Chapter XI at Rs. 10 per mensem or upwards.	Ditto.
52	Owner of any carriage, passenger-boat, or palanquin which is let out for hire, whose place of business is valued under Chapter XI at Rs. 10 per mensem or upwards.	Ditto.
53	Band-supplier or stamp-vendor, Ditto ...	Ditto.
CLASS VI.		
54	Keeper of a shop or other place of business, who is not included in any other class.	Four rupees.
55	Pedler, vendor of goods in carts, hawk or <i>boz wallah</i> , who is not included in Class VII.	Ditto.
56	Professional petitioner, letter or bill-writer.	Ditto.
CLASS VII.		
57	Itinerant dealer hawking goods for sale in a basket or tray.	One rupee.

Licenses to be either personal or local.

2. (1) Licenses shall be either personal or local.

[Cf. 1899, Sch. II, r. 3.]

(2) "Local license" means—

- (a) a license the classification of which depends on the valuation of the place of business, and
- (b) a license granted under Class IV, number 28, number 29, number 30, or number 31, Class V, number 43, or Class VI, number 54, in the table in rule 1.

Only one personal license required for each person.

3. No person shall in any case be required to take out more than one personal license; but if any person is included under different classes in the table in rule 1 he shall take out a license under the highest of such classes.

[Cf. 1899, Sch. II, r. 3.]

(Schedule II.—Rules as to Licenses for the Exercise or Carrying on of Professions, Trades and Callings—Rules 4-9.)

Personal license for members of firms.

4. When two or more persons carry on business jointly, they may take out a single license as a firm : [Cf. 1899, Sch. II, r. 4.]

Provided that, if any of the partners of such firm exercises or carries on any separate profession, trade or calling on his own account or jointly with other partners, a separate license shall be taken out in respect of every such profession, trade or calling.

Local license required for each business.

5. A separate local license shall be taken out in respect of the business carried on in each separate place of business : [Cf. 1899, Sch. II, r. 5.]

Provided that—

(a) separate licenses shall not be required in respect of any business carried on in adjacent premises which form one place of business or in any yards, godowns or factories which are auxiliary to any place of business; and

(b) the amount of the valuation of such premises, yards, godowns or factories shall be included in the computation for determining the class under which the license shall be taken out.

Valuation of places of business not separately valued under Chapter XI.

6. When a place of business occupies only a portion of one set of premises and has not been separately valued under Chapter XI, the valuation thereof for the purposes of these rules shall be the rate *per mensem* at which such place of business might, in the opinion of the Commissioner, reasonably be expected to let. [Cf. 1899, Sch. II, r. 6.]

When both personal and local license required.

7. When any person exercises or carries on a profession, trade or calling for which a personal license should under these rules be taken out, and is also the owner or occupier of a place of business for which a local license should be taken out, he shall, if the Commissioner so directs, take out both a personal license and a local license : [Cf. 1899, Sch. II, r. 7.]

Provided that, where the place of business is auxiliary to the exercise or carrying on of the profession, trade or calling, only one license shall be required, and such license shall be either personal or local as the Commissioner may direct.

Occupier ordinarily to be licensee.

8. Where the owner or occupier of any place of business is required to take out a license, the license shall be taken out by the occupier if the business is carried on by the occupier, but otherwise by the owner. [Cf. 1899, Sch. II, r. 8.]

Continuance of liability in same class.

9. Any person who has taken out a license for the next preceding year, or has been fined under section 495 for not taking out a license during that year, shall, subject to the other provisions of these rules, be deemed to be liable and entitled to take out a license for the current year under the class in which he was included for such preceding year. [Cf. 1899, Sch. II, r. 9.]

(Schedule II.—Rules as to Licenses for the Exercise or Carrying on of Professions, Trades and Callings—Rules 10-13.)

Time for presentation of applications for remissions, etc.

10. (1) Any person who claims a remission or refund of a license fee under proviso (a) to section 193, in respect of any year, shall present an application to the Commissioner before the first day of September in the next following year.

[*Cf.* 1899, Sch. II, r. 10.]

(2) Any person who—

(i) has taken out a license for the next preceding year or has been fined under section 495 for not taking out a license during that year, and,

(ii) in consequence of any change in his profession, trade, calling or place of business, or for any other reason, claims an exemption or declaration under proviso (b) or proviso (c) to section 193,

shall present an application to the Commissioner before the first day of September in the current year.

Power to Commissioner to issue notices to take out licenses, etc.

11. (1) If the Commissioner considers—

[*Cf.* 1899, Sch. II, r. 11.]

(a) that any person who has not taken out a license in the next preceding year ought to take out a license, or

(b) that any person who has taken out a license for such year, but has not done so for the current year, ought to take out a license under a higher class, or to take out more than one license,

he may serve such person with a notice directing him to take out a license or licenses for the next preceding year or the current year, as the case may be, under such class or classes as may to the Commissioner seem proper.

(2) If the Commissioner considers that any person who has taken out a license for the current year ought to have taken out a license under a higher class, he may serve such person with a notice directing him forthwith to take out a license under such higher class for that year:

Provided that, when such license under a higher class has been taken out, the amount paid in respect of the license in the lower class shall, unless such person is liable to take out both licenses, be refunded to him.

Commissioner to prove liability when service of notice not proved.

12. When any person is summoned for not taking out a license, and service of notice under rule 11, sub-rule (1), is not proved, it shall be incumbent on the Commissioner to prove that the person so summoned is liable to take out a license, and to state the class under which he is so liable.

[*Cf.* 1899, Sch. II, r. 12.]

Appeal to General Appeals Committee, or to Court of Small Causes.

13. Any person dissatisfied with an order made under rule 6 or rule 7 may appeal to the General Appeals Committee, and

[*Cf.* 1899, Sch. II, r. 13.]

any person dissatisfied with a notice served under rule 11 may appeal either—

(a) to the said Committee; or

• (Schedule II.—Rules as to Licenses for the Exercise or Carrying on of Professions, Trades and Callings.—Rules 14-16.)

(b) to a Court of Small Causes having jurisdiction in the place in which the profession, trade or calling is alleged to be exercised or carried on:

Provided that no appeal shall lie under this rule unless the amount payable for the license, as assessed in accordance with the said notice, has been deposited with the Corporation.

Statement
appellant.

by 14. Any person who is desirous of appealing under rule 13 shall, within fifteen days of the passing of the order or the service of the notice, referred to in that rule, submit to the Secretary to the Corporation a petition setting forth the grounds of appeal, [Cf. 1899, Sch. II, r. 14.]

and if the appeal is against a notice served under rule 11, the petition shall intimate whether he intends to appeal to the General Appeals Committee under clause (a), or to a Court of Small Causes under clause (b) of rule 13:

Provided that the Commissioner may, if he thinks fit, extend the period within which the petition may be presented:

Provided also that no appeal shall be made to a Court of Small Causes under rule 13 until the expiration of a period of one month from the submission of a petition under this rule.

Procedure of Court
in appeal.

15. When an appeal is made under these rules to a Court of Small Causes, the Court may follow the procedure prescribed in section 532, and the order of the said Court shall be final. [Cf. 1899, Sch. II, r. 15.]

Finality of order of
Commissioner when
no appeal.

16. When no appeal is preferred under these rules, the order of the Commissioner shall be final. [Cf. 1899, Sch. II, r. 16.]

SCHEDULE III.

WARDS FOR PURPOSES OF THE ELECTION OF WARD COUNCILLORS AND OF VALUATION.

[Cf. 1899,
Sch. III.]

(See sections 43, 151 and 487.)

Serial number of Ward.	Name of Ward.	BOUNDARIES OF WARD—				Number of Councillors to be elected.
		On the north.	On the south.	On the east.	On the west.	
1	2	3	4	5	6	7
1	Shaopukur.	The Circular Canal.	Ultadingi Road and Grey Street.	The Circular Canal and Upper Circular Road.	Upper Chitpur Road and the Chitpur Bridge Approach.	Two.
2	Kumartuli.	Ditto.	Nimtala Ghat Street and the road leading to Nimtala Ghat.	Upper Chitpur Road and the Chitpur Bridge Approach.	The River Hooghly.	One.
3	Bartola.	Grey Street, Upper Circular Road and Ultadingi Road.	Beadon Street and Maniktala Road.	The Circular Canal.	Upper Chitpur Road.	Two.
4	Sukeas Street.	Beadon Street, Upper Circular Road and Maniktala Road.	Machua Bazar Street and Gas Street.	Ditto.	Cornwallis Street.	Two.
5	Jora Bagau.	Nimtala Ghat Street and the road leading to Nimtala Ghat.	Cotton Street, Clive Street and Mirbahar Ghat Street.	Upper Chitpur Road.	The River Hooghly.	Two.
6	Jorasanko.	Beadon Street.	Machua Bazar Street.	Cornwallis Street.	Upper Chitpur Road.	Two.
7	Bara Bazar.	Mirbahar Ghat Street, Clive Street and Cotton Street.	Lal Bazar Street, Dalhousie Square, North, Charnock Place, Fairlie Place, and a line drawn in continuation of the south side of Fairlie Place to the river bank.	Lower Chitpur Road.	The River Hooghly.	One.
8	Collootola.	Machua Bazar Street.	Bow Bazar Street.	College Street.	Lower Chitpur Road.	Two.
9	Muchipara.	Machua Bazar Street and Gas Street.	Bow Bazar Street and Baliaghutta Road.	The Circular Canal.	College Street.	Two.
10	Bow Bazar.	Bow Bazar Street.	Dharamtala Street.	Wellington Street.	Bentinck Street.	One.
11	Paddapukur.	Ditto.	Ditto.	Lower Circular Road.	Wellington Street.	One.
12	Waterloo Street.	Lal Bazar Street, Dalhousie Square, North, Charnock Place, Fairlie Place, and a line drawn in continuation of the south side of Fairlie Place to the river bank.	Esplanade Row, East, Lawrence Road and Esplanade Row, West.	Bentinck Street.	The River Hooghly.	One.

(Schedule III.—Wards for purposes of the Election of Ward Councillors and of Valuation.)

Serial number of Ward.	Name of Ward.	BOUNDARIES OF WARD—				Number of Councillors to be elected.
		On the north.	On the south.	On the east.	On the west.	
1	2	3	4	5	6	7
13	Fenwick Bazar.	Dharamtala Street.	Kyd Street, Free School Street and Ripon Street.	Wellesley Street.	Chowringhee Road.	One.
14	Taltala.	Dharamtala Street.	Ripon Street.	Lower Circular Road.	Wellesley Street.	One.
15	Kalinga.	Ripon Street.	Theatre Road.	Ditto.	Wellesley Street and Wood Street.	One.
16	Park Street.	Kyd Street, Free School Street and Ripon Street.	Ditto.	Wood Street and Wellesley Street.	Chowringhee Road.	One.
17	Bamun Bustee.	Theatre Road.	Lower Circular Road.	Lower Circular Road.	Ditto.	One.
18	Hastings.	Clyde Road and Strand Road.	Tolly's Nala.	St. George's Gate Road.	The River Hooghly and Tolly's Nala.	One.
19	Entally.	Baliaghatta Road, the Circular and Baliaghatta Canals and Pagladanga Road.	Police Hospital Road, Phulbagan Road, South Road, Entally and Christopher Road.	Pagladanga Road, Chin-ghatta Road, South Tangra Road and Tapsia Road.	Lower Circular Road.	Two.
20	Baniapukur.	Police Hospital Road, Phulbagan Road, South Road, Entally and Christopher Road.	Acre Road, Karaya Road, Goriathan Lane, Jhautala Road, Tiljala 1st Lane, Tiljala Road and Tapsia Road.	Tapsia Road.	Ditto.	Two.
21	Ballyganj and Tollyganj.	Lower Circular Road, Acre Road, Karaya Road, Goriathan Lane, Jhautala Road, Tiljala 1st Lane and Tiljala Road.	The Eastern Bengal Railway, Budge-Budge Branch, Bussa Road, South, and Tollyganj Circular Road.	The Eastern Bengal Railway, Southern Section.	Landedowne Road, Rowland Road, Chakrabere Road, North Chakrabere Lane, Paddapukur Road, Beltala Road, Hazra Road, Russa Road, South, Nepal Bhattacharji Street to Tolly's Nala and Tolly's Nala.	Two.
22	Bhowanipur.	Lower Circular Road.	Nepal Bhattacharji Street.	Landedowne Road, Rowland Road, Chakrabere Road, North, Chakrabere Lane, Paddapukur Road, Beltala Road, Hazra Road and Russa Road, South.	Tolly's Nala and Zeerut Bridge Approach.	Two.

(Schedule III.—Wards for purposes of the Election of Ward Councillors and of Valuation.)

Serial number of Ward.	Name of Ward.	BOUNDARIES OF WARD—				Number of Councillors to be elected.
		On the north.	On the south.	On the east.	On the west.	
1	2	3	4	5	6	7
23	Alipur.	Tolly's Nala.	Tollyganj Circular Road and Shahapur Road.	Tolly's Nala.	Diamond Harbour Road and Kidderpur Bridge Approach.	One.
24	Ekbalpur.	Dent Mission Road and Circular Garden Reach Road.	Guragacha Road and Taratala Road.	Diamond Harbour Road.	Hide Road, Sonai Road and Sonai 3rd Lane.	One.
25	Watganj.	The River Hooghly and Tolly's Nala.	Dent Mission Road, Circular Garden Reach Road, Hide Road, Sonai Road, Sonai 3rd Lane and Taratala Road.	Kidderpur Bridge Approach and Diamond Harbour Road.	Nimakinahali Ghat Road and Taratala Road.	Two.

SCHEDULE IV.

DISTRICTS FOR PURPOSES OF THE ELECTION OF MAHOMEDAN COUNCILLORS.

(See section 45.)

Number of District.	Serial numbers of Wards comprised in District.	Boundaries of District—				Number of Councillors to be elected.
		On the north.	On the south.	On the east.	On the west.	
1	2	3	4	5	6	7
I	1, 2, 3, 4, 5 and 6.	The Circular Canal	Mirbahar Ghat Street, Olive Street, Cotton Street, Machua Bazar Street and Gas Street.	The Circular Canal.	The River Hooghly.	One.
II	7, 8, 9, 10, 11 and 12.	Mirbahar Ghat Street, Olive Street, Cotton Street, Machua Bazar Street and Gas Street.	Esplanade Row, West, Lawrence Road, Esplanade Row, East, Dharamtala Street, Lower Circular Road and Baliaghatta Road.	The Circular Canal and Lower Circular Road.	Ditto.	Three.
III	13, 14, 15, 16, 17, 19 and 20.	Dharamtala Street, Lower Circular Road, Baliaghatta Road, the Circular and Baliaghatta Canals, and Pagladunga Road.	Lower Circular Road, Acre Road, Karaya Road, Goristhan Lane, Jhantala Road, Tiljala 1st Lane, Tiljala Road and Tapsia Road.	Pagladanga Road, Chingri-ghatta Road, South Tangra Road and Tapsia Road.	Chowringhee Road.	Three.
IV	18, 21, 22, 23, 24 and 25.	The River Hooghly, Strand Road, Clyde Road, St. George's Gate Road, Tolly's Nala up to the Zeerut Bridge, Lower Circular Road from the Zeerut Bridge Eastward, Acre Road, Karaya Road, Goristhan Lane, Jhantala Road, Tiljala 1st Lane, and Tiljala Road.	Taratola Road, Guragacha Road, Shahapur Road, Tollyganj Circular Road, Russa Road, South, and the Eastern Bengal Railway, Budge-Budge Branch.	The Eastern Bengal Railway, Southern Section.	Nimakhahal Ghat Road and Taratola Road.	Two.

SCHEDULE V.

RULES FOR THE PREPARATION AND PUBLICATION OF
THE WARD AND MAHOMEDAN ELECTION ROLLS.

(See section 37.)

Preparation of lists
of voters.

1. (1) On or before the first day of December immediately preceding each general election, the Commissioner shall prepare from the registers in his office—

[Cf. 1899,
Sch. IV, r. 2.]

(a) a list of persons appearing to be entitled to be enrolled in the ward election roll as ward-voters, and

(b) a similar list of Mahomedans appearing to be entitled to be enrolled in the Mahomedan election roll as district-voters:

Provided that no company, body corporate, firm, joint-family or other association of individuals shall be entered in the list referred to in clause (b).

[See 1899,
Sch. IV, r. 9.]

(2) The said lists shall contain the names of all persons qualified to be enrolled as ward or district voters.

(3) A separate list shall be prepared by the Commissioner of the persons who appear to be entitled to make election under section 39 or section 49, specifying the wards or districts between which, and the qualifications on account of which, such persons are entitled to make such election.

Payment of municipal taxes a condition precedent to entry in list of voters.

2. No person shall be entitled to be enrolled in an election roll as qualified to vote unless he has, before the first day of December immediately preceding the election, paid all instalments of the consolidated rate and other municipal taxes due from him for each of the first two quarters of the year in which the election is held:

[Cf. 1899,
Sch. IV, r. 3.]

Provided that when the Commissioner has, under section 174, levied the entire consolidated rate from the owner of any building, any occupier of the building who is qualified to vote in respect of the sum due from him as consolidated rate shall be entitled to be enrolled, on his satisfying the Commissioner that he has paid such sum to the owner of the building in accordance with the provisions of section 175.

Arrangement of lists of voters.

3. (1) The lists prepared under rule 1 shall be arranged in accordance with the alphabetical order of the names of streets and with the numbering of premises in streets, and shall be sub-divided into parts showing separately, for each ward and for each district, the names of persons entitled to be enrolled as voters for that ward or district, as the case may be, and also the names of all persons entitled, but for the provisions of section 38, sub-section (2) and the proviso to sub-section (1) of section 48, to be enrolled as voters for that ward or district.

[Cf. 1899,
Sch. IV, r. 4.]

(2) The names of persons required to make election under section 39 or section 49 shall be marked with an asterisk wherever they appear on the list prepared under rule 1, sub-rule (1).

(Schedule V.—Rules for the preparation and publication of the Ward and Mahomedan election rolls.—Rules 4-7.)

(3) The said lists may be further sub-divided in such manner as the Commissioner may from time to time consider convenient.

(4) In preparing the said lists the Commissioner shall, subject to the provisions of rule 1, sub-rule (1), enter therein the names of the persons who are qualified to be enrolled under Chapter IV, whether such persons be individuals or companies, bodies corporate, firms, joint-families or other associations of individuals, or receivers or trustees, as the case may be.

(5) If an individual member of any company, body corporate, firm, joint-family or other association, or any receiver or trustee so entered be qualified to be enrolled under Chapter IV on his own separate account, the Commissioner shall enter his name separately in the list relating to ward elections or to Mahomedan elections, as the case may be.

Publication of lists.

4. The Commissioner shall publish the lists prepared under rule 1 by causing a printed copy thereof to be fixed for public inspection in a conspicuous position at the Municipal Office, and at such other places as he thinks fit, on or before the first day of December referred to in rule 1, and to be kept so fixed during the remaining days of that month.

[Cf. 1899, Sch. IV, r. 5.]

Sale of copies of lists.

5. Printed copies of the said lists shall be obtainable by any person applying for the same, on payment of such reasonable fee for each copy as may from time to time be prescribed by the Commissioner in this behalf.

[Cf. 1899, Sch. IV, r. 6.]

Notice of publication and sale of lists.

6. On or before the tenth day of the said month of December, the Commissioner shall give notice, by advertisement in local newspapers, of the publication of the said lists and of the place at which and the fee for which copies of the same may be obtained.

[Cf. 1899, Sch. IV, r. 7.]

Notice of claim to be entered on list and objections to entries.

7. (1). Every person who claims to have his name inserted in a list of voters as being qualified to be enrolled under Chapter IV or who desires to make election under section 39 or section 49 shall, on or before the tenth day of January next following the said month of December, give to the Commissioner, written notice of his claim, or of his election under section 39 or section 49, as the case may be.

[Cf. 1899, Sch. IV, r. 8.]

(2) Any person whose name has been entered in the said list may object to any other person as not being entitled to have his name retained therein.

(3) Every person desiring to make an objection under sub-rule (2) shall, on or before the said tenth day of January, send to the Commissioner, and also give to the person objected to, or leave at his last-known place of abode, written notice of the objection and of the nature thereof.

(Schedule V.—Rules for the preparation and publication of the Ward and Mahomedan election rolls.—Rules 8, 9.)

Representation of associations of individuals.

8. (1) Every company, body corporate, firm, joint-family or other association of individuals which has been entered, under rule 1, in the ward-voters' list as a voter for any ward shall authorize in writing any one individual person, being a member thereof, to vote on its behalf. [Cf. 1899, Sch. IV, r. 9.]

and such person may, by written notice sent to the Commissioner on or before the fifteenth day of the said month of December, apply that his name be entered in the said list as the person qualified to vote on behalf of the company, body corporate, firm, joint-family or other association.

(2) The Commissioner shall thereupon enter in the said list the name of such person as being duly authorized to represent and vote in the said ward on behalf of the said company, body corporate, firm, joint-family or other association:

Provided that—

(a) if such person is a Mahomedan, his name shall be entered in the Mahomedan election list as being duly authorized to represent, and vote on behalf of the said association in the district in which the said ward is situated; and the entry in the ward list in respect of such association shall be cancelled; and

(b) if more persons than one, applying under sub-rule (1), produce a written authority to vote on behalf of the same company, body corporate, firm, joint-family or other association of individuals, the Commissioner shall reject all such applications and shall not so enter the name of any person except on the subsequent written application of a *bond fide* representative of such association.

Revision of lists.

9. (1) The Commissioner shall, before the first day of the month of March next following the month of January referred to in rule 7, revise the said lists. [Cf. 1899, Sch. IV, r. 10.]

(2) He shall for that purpose hear, in open office, the claims, objections, elections and applications which have been duly made under rule 7 or rule 8 and shall give three clear days' notice of the holding of the inquiry.

(3) Such notice shall be fixed on some conspicuous place in the Municipal Office, and notice of the fact that it has been so fixed and of the date or dates on which the inquiry will be held shall be given by advertisement in local newspapers.

(4) The Commissioner shall insert in the said lists the name of every person who has duly claimed to have his name inserted therein, and whose claim is proved to the Commissioner's satisfaction.

(Schedule V.—Rules for the preparation and publication of the Ward and Mahomedan election-rolls.—Rule 9.)

(5) The Commissioner may correct any omission or clerical error in the said lists, and shall expunge—

(a) the name of every person proved to his satisfaction to be dead,

(b) the name of every person who has made election under section 39 or section 49 from that portion of the list which relates to any ward or district other than the ward or district for which such person has made election and from all places but one in the portion of the roll relating to that ward or district.

(6) (i). The name of every person who, though entitled to make election under section 39 or section 49, has failed to give written notice of such election on or before the date specified in rule 7 in this behalf, shall be retained in respect of one ward or district only in the lists prepared under sub-rule (1) of rule 1.

(ii). Such ward or district shall be summarily determined by the Commissioner at the time of the revision under this rule, and the name of such person shall be expunged from that portion of the list, which relates to any ward or district other than the ward or district so determined and from all places but one in the portion of the roll relating to such ward or district.

(7) Except as hereinbefore provided, the Commissioner shall retain in the said lists the name of every person to whom objection has not been duly made.

(8) The Commissioner shall also retain in the said lists the name of every person objected to, unless the objector appears, by himself or by some person duly authorized by him in this behalf, in support of the objection.

(9) Where the objector so appears, the Commissioner shall require proof of the qualification of the person objected to; and if, within such reasonable time as the Commissioner fixes in this behalf, or on the subsequent day (if any) to which the hearing is adjourned under rule 10, such person's qualification is not proved to the Commissioner's satisfaction, he shall expunge the name of such person from the list.

(10) If no individual person has applied to the Commissioner under rule 8 to have his name entered in the list on behalf of a company, body corporate, firm, joint-family or other association of individuals, or if the *bond fide* representative of any such association has failed to apply to the Commissioner under proviso (b) to that rule, the Commissioner shall expunge the name of such association from the list.

(Schedule V.—Rules for the preparation and publication of the Ward and Mahomedan election-rolls.—Rules 10-14.)

Adjournments.

10. The Commissioner may adjourn the hearing of any matter under the foregoing rules from time to time, but so only that no adjourned hearing be held after the last day of February immediately preceding the general election.

[*Cf.* 1899, Sch. IV, r. 11.]

Lists when revised and signed to be the election rolls.

11. When the two lists prescribed by these rules have been revised by the Commissioner, he shall sign a printed copy of each, and such copy shall be the ward election roll and the Mahomedan election roll, respectively.

[*Cf.* 1899, Sch. IV, r. 12.]

Publication of election rolls.

12. The Commissioner shall publish each of the election rolls by causing printed copies thereof to be fixed for public inspection in a conspicuous position at the Municipal Office and at such other places as he thinks fit.

[*Cf.* 1899, Sch. IV, r. 13.]

Sale of copies of rolls.

13. Printed copies of the said election rolls shall be obtainable by any person applying for the same, on payment of such reasonable fee for each copy as may from time to time be prescribed by the Commissioner in this behalf.

[*Cf.* 1899, Sch. IV, r. 14.]

Commencement and continuance of rolls.

14. (1) Both election rolls shall come into operation on the first day of March immediately preceding the general election, and shall continue in operation for three years beginning on that day.

[*Cf.* 1899, Sch. IV, r. 15.]

(2) The said rolls shall be final, and, while they continue in force, shall not be altered except so as to correct such clerical errors as the Commissioner may advertise by public notice given from time to time.

(3) For the purposes of any election to be held after the commencement of this Act, if an election roll is not prepared in due time, the corresponding election roll in operation immediately before the time at which the new roll ought to have been prepared shall continue in operation until the new roll is prepared.

SCHEDULE VI.

RULES FOR CONDUCT OF ELECTIONS.

(See sections 37, 52 and 492.)

Notice of elections. 1. Three weeks at least before the day fixed for an election, notice of such election shall be given by the Commissioner by advertisement in the *Calcutta Gazette* and in local newspapers, and by posting placards in conspicuous places in the ward or district for which the election is to take place. [Cf. 1899, Sch. V, r. 1.]

Nomination-papers. 2. Every person who is a candidate for election shall send to the Commissioner, not less than fourteen days before the day fixed for the election, a nomination-paper containing— [Cf. 1899, Sch. V, r. 2.]

- (a) his name and occupation and a statement of his place of abode,
- (b) the name of the ward or district, as the case may be, for which he is enrolled,
- (c) the signature of two voters (other than the candidate) in such ward or district who respectively propose and second his candidature, and
- (d) the signature of eighteen voters (other than the candidate) in such ward or district who approve his nomination.

Power to declare nomination invalid.

3. If any person nominated— [Cf. 1899, Sch. V, r. 3.]

- (a) is not enrolled in the ward election roll or the Mahomedan election roll, as the case may be, as a voter, or
- (b) is disqualified for being a Councillor for any of the reasons set forth in section 59, or
- (c) has not complied with the provisions of rule 2.

the Commissioner shall declare his nomination to be invalid.

Publication of list of candidates for election.

4. Not less than three days before the day fixed for election, the Commissioner shall publish at the Municipal Office and in local newspapers a list of all candidates duly nominated for election. [Cf. 1899, Sch. V, r. 4.]

Poll when unnecessary.

5. In the event of the number of candidates in any ward or district being not more than the number of Councillors to be elected for such ward or district, as the case may be, such candidates shall be deemed to be elected. [Cf. 1899, Sch. V, r. 5.]

Poll when and how to be taken.

6. In the event of the number of candidates in any ward or district being more than the number of Councillors to be elected for such ward or district, as the case may be, a poll shall be held in the following manner, that is to say:— [Cf. 1899, Sch. V, r. 6.]

- (1) a polling-place shall be provided by the Commissioner for each ward or district, and the Commissioner may appoint such and so many polling-officers and other persons to assist at the poll as he may think fit, and pay them such reasonable remuneration for their services as he may determine;

*(Schedule VI.—Rules for Conduct of Elections.—
Rule 6.)*

- (2) the poll shall commence at nine o'clock in the forenoon, and shall close at six o'clock in the afternoon of the same day, or, with the special permission of the Commissioner, at some time on the next following day to be named by him;
- (3) all votes shall be given in person, and no vote shall be received by proxy or in writing;
- (4) no vote shall be received for any candidate whose name has not been published by the Commissioner under rule 4 as having been duly nominated;
- (5) the polling-officer shall read out the list of candidates and the voters shall record their votes by ballot;
- (6) if any voter is illiterate, the polling-officer shall record his vote, but shall be bound to maintain secrecy regarding such vote;
- (7) no objection to a voter shall be entertained except on the ground that he is not the person under whose name, as entered in the election roll, he claims to vote;
- (8) all objections under clause (7) shall be summarily decided by the polling-officer;
- (9) the polling-officer shall then and there, as soon as may be after the closing of the poll, declare the number of candidates, corresponding to the number of Councillors to be elected for such ward or district, who have the largest number of votes to be duly elected, and shall report accordingly to the Commissioner:

Provided that, if the majority for any candidate consists only of votes to which objections have been raised and if the polling officer has been unable to decide such objections summarily as provided in clause (8), he shall adjourn the proceedings and report the matter to the Commissioner;

- (10) when a report is made to the Commissioner under the proviso to clause (9), he shall, as soon as may be, hold such inquiry regarding the disputed votes as he may consider necessary, and his decision shall be final;
- (11) on the termination of the said inquiry, the Commissioner shall declare the candidate who has the largest number of votes to be duly elected;
- (12) if, after scrutiny, it is found that two or more candidates have secured an identical number of votes and if the number of candidates to be elected for the ward or district, as the case may be, does not admit of all such candidates being elected, the Commissioner shall give a casting vote, and the candidate to whom such vote is given shall be deemed to be elected.

SCHEDULE VII.

TAX ON CARRIAGES AND ANIMALS.

[Cf. 1898, Sec.
VIII.]

(See section 182.)

		Per half-year.		
		Rs. A. P.		
1.	On every four-wheeled carriage propelled by mechanical power (other than electricity) having more than four cylinders or having four cylinders with a bore of 80 millimetres or more ...	24	0	0
2.	On every four-wheeled carriage propelled by mechanical power (other than electricity) having less than four cylinders or having four cylinders with a bore of less than 80 millimetres ...	18	0	0
3.	On every three-wheeled or four-wheeled carriage propelled by electricity ...	18	0	0
4.	On every bicycle, tricycle, side-car, or similar vehicle propelled by mechanical power not included in class 1, class 2 or class 3 ...	6	0	0
5.	On every four-wheeled carriage drawn by two horses ...	12	0	0
6.	Where any person owns more than one carriage included in class 5, then on every such carriage after the first ...	8	0	0
7.	On every four-wheeled carriage drawn by one horse, pony or mule, or a pair of ponies or mules under 13 hands ...	6	0	0
8.	On every two-wheeled carriage drawn by one or more animals ...	6	0	0
9.	On every jinrickshaw ...	2	0	0
10.	On every horse (not being a race horse) ...	6	0	0
11.	On every race horse ...	12	0	0
12.	On every pony or mule of or over 13 hands ...	6	0	0
13.	On every pony or mule under 13 hands ...	2	0	0

SCHEDULE VIII.

SCAVENGING-TAX.

(See section 197.)

PART I.—PERSONS BY WHOM THE TAX IS PAYABLE.

Hackney-carriage owner.	Shepherd.
Carter.	Goutherd.
Milk-seller.	Owner or occupier of a market
Horse-dealer.	

(Cf. 1899, Sch
IX.)

PART II.—RATES OF FEE FOR LICENSES.

			Per half-year.		
			Ra.	A.	P.
For every horse	6	0 0
" " pony or mule of or over 13 hands	6	0 0
" " pony or mule under 13 hands	3	0 0
" " bull or buffalo used for drawing a cart	1	8 0
" " cow or buffalo kept by a milk-seller	0	12 0
" " donkey	0	12 0
" " ten sheep or goats	3	0 0
For a daily average of one half-cart load of offensive matter and rubbish, or part thereof, removed from a market	30	0 0

SCHEDULE IX.

FORM OF NOTICE OF DEMAND.

[See sections 208 (1) and 224 (1).]

To

A. B.

residing at

Take notice that the Municipal Commissioner of Calcutta demands from you (*as owner or occupier) the sum of due from you on account of the consolidated rate (or tax, as the case may be) for (here describe the premises on account of which the rate is leviable, or the carriage, animal, profession, trade or calling on account of which the tax is payable) for the quarter (or half-year, or year) commencing (or ending) on the day of ; and that, if the said sum is not paid into the Municipal Office at or to an officer appointed to receive the same, or if sufficient cause for non-payment of the same is not shown to the satisfaction of the Municipal Commissioner within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same, with costs.

[Cf. 1899, Act. X.]

Dated this day of

(Signed.)

Municipal Commissioner of Calcutta.

* In the case of a demand on the occupier of any premises under section 217, state that notice of demand has been served upon the owner and that the sum due remains unpaid.

SCHEDULE X.

FORM OF WARRANT OF DISTRESS.

[See sections 209 (1), 216 (1) and 228 (1).]

[Cf. 1899
Sch. XI.]

To (here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B., of , has not paid, or shown sufficient cause to my satisfaction for the non-payment of, the sum of due for the consolidated rate (or tax, as the case may be) for the quarter (or half year or year) commencing (or ending) on the day of , although the said sum has been duly demanded in writing from the said A. B., and seven days have elapsed since the service of the notice of demand;

[or Whereas the proceeds of the sale of the movable property of A. B., of , distrained under a warrant dated , and sold under section 215, are not sufficient to cover the sum distrained for;

And whereas the sum of is still due from the said A. B.;

[And whereas the said sum has been increased under section 226 (or section 227, as the case may be), to .]

This is to direct you to distrain the movable property of the said A. B. (or, as the case may be, any movable property found on the premises in respect of which the said rate is due) to the amount of the said sum of and such further sum as may be sufficient to defray the costs of recovering the said amount; and if within seven days next after such distress the said sum shall not be paid, together with such further sum as shall be sufficient to defray the said costs, to sell the said movable property; and having paid and deducted out of the proceeds of the sale the said sum of and the costs of recovering the same, to return the surplus (if any) and if the same be demanded within three years from the date of the sale, to the person whom you shall find in possession of the said movable property.

If sufficient distress cannot be found of the movable property of the said A. B. (or on the said premises as the case may be) you are to certify the same to me together with this warrant.

Dated this day of

(Signed)

Municipal Commissioner of Calcutta.

SCHEDULE XI

[C. 1899, Sch.
XIII.]

TABLE OF FEES PAYABLE ON WARRANTS OF DISTRESS.

[See section 209 (3).]

Sum distrained for.				Fee.
				Rs. A.
Under 5 rupees	...	...	...	0 4
Rupees 5 and under Rs. 10	...	...	...	0 8
" 10	"	" 15	...	0 12
" 15	"	" 20	...	1 0
" 20	"	" 25	...	1 4
" 25	"	" 30	...	1 8
" 30	"	" 35	...	1 12
" 35	"	" 40	...	2 0
" 40	"	" 45	...	2 4
" 45	"	" 50	...	2 8
" 50	"	" 60	...	3 0
" 60	"	" 80	...	3 12
" 80	"	" 100	...	4 8
Above 100 rupees	...	...	...	5 0

The above fees are to include all expenses except when peons are kept in charge of property distrained, in which case four annas shall be paid daily for each peon so employed.

SCHEDULE XII.

FORM OF NOTICE OF SALE.

[Cf. 1899, Sch.
XIII.]

(See section 212.)

To

A. B.

residing at

Take notice that I have this day seized the movable property specified in the inventory set out below for the sum of due for the consolidated rate (or tax, as the case may be) for the quarter (or half-year or year) commencing (or ending) on the day of ; and that, unless you pay into the Municipal Office at the amount due, together with the costs of recovery, within seven days from the date of this notice, the said property will be sold.

Dated this day of

(Signature of the Officer

executing the Warrant of Distress.)

Inventory.

(Here state particulars of the movable property seized.)

SCHEDULE XIII.

RULES AS TO PRIVATE CONNECTIONS TO PREMISES,
AND METERS,

(See sections 251, 258 and 492.)

*Private Connections to Premises.*Separate service-
pipes for separate
premises.

1. (1) All premises connected with the filtered water-supply shall be provided with separate service-pipes from the municipal main. [Cf. 1899, a. 266.]

(2) In any case in which a service-pipe from a main is used for supplying filtered water to two or more premises, the Commissioner shall, by written notice, require the owners of such premises to lay down separate service-pipes for separate premises; and the expense of so doing shall be borne by all such owners in such proportion as may be determined by the Corporation.

(3) The Commissioner shall not delegate to any municipal officer his power to make a requisition by written notice under sub-rule (2). [See 1899, a. 18 (1).]

Separate stop-cocks
and underground
hydrants or taps for
supply of unfiltered
water to private
premises.

2. (1) In premises connected with the municipal water-supply, separate stop-cocks shall be provided by the owner for controlling the supply of unfiltered water for the purposes mentioned in clause (i) and clause (ii), respectively, of section 239. [Cf. 1899, a. 267.]

(2) When unfiltered water is supplied for any of the purposes mentioned in clause (ii) of section 239, it shall be so supplied as to be capable of being drawn only from hydrants or taps fixed below the surface of the ground.

Outer stop-cocks.

3. When any premises are about to be connected with the municipal mains, the Commissioner may, by written notice, require the owner of the premises to fix a stop-cock in some position outside the premises which is accessible at all times from the nearest street. [Cf. 1899, a. 258 (1).]

Size of ferrules.

4. (1) Filtered or unfiltered water supplied under Chapter XVIII to any premises shall be supplied according to the annual value of such premises, as determined under Chapter XI, through a ferrule of the size prescribed therefor in the following table:— [Cf. 1899, a. 259, and Sch XIV.]

Annual value of premises as determined under Chapter XI.			SIZE OF FERRULE.	
			Filtered water.	Unfiltered water.
From	1 to	599 rupees (both inclusive) ...	$\frac{1}{2}$ inch	$\frac{1}{2}$ inch
"	600 to	1,199 " " ...	$\frac{3}{4}$ "	$\frac{3}{4}$ "
"	1,200 to	2,399 " " ...	1 "	1 "
"	2,400 to	3,599 " " ...	$1\frac{1}{4}$ "	$1\frac{1}{4}$ "
			$1\frac{1}{2}$ "	$1\frac{1}{2}$ "
			or	or
			1 "	1 "

Provided as follows:—

(a) the Local Government may, on the recommendation of the Corporation, substitute any other scale for the scale of ferrules prescribed in the said table;

(Schedule XIII.—Rules as to Private Connections to Premises and Meters.—Rules 5-7.)

- (b) if any premises be so situated that the ferrule prescribed therefor in the said table or under proviso (a) is too small to pass, within a period of six hours, the daily supply of water to which the occupier of the premises is entitled under section 241, the Commissioner shall permit the use of a larger ferrule for such premises.

(2) Where a ferrule used at the commencement of this Act for the supply of water to any premises is larger than that prescribed for such premises in sub-rule (1) or under proviso (a) to that sub-rule, as the case may be, the Commissioner may, at the expense of the Municipal Fund and after giving one month's notice in writing to the owner of the premises, substitute for such ferrule one of the size so prescribed.

Construction of service-pipes, ferrules and works

5. (1) The service-pipe for carrying water from the municipal mains into any premises, and the pipes, taps and works (other than ferrules) within such premises, shall be of such character, dimensions and materials as the Corporation may fix and approve, and shall be made and constructed at the expense of the person requiring the same.

[Cf. 1899, a. 260.]

(2) The said ferrules shall be of such character and material as the Corporation may fix and approve, and, except as provided in rule 4, sub-rule (2), shall be affixed at the expense of the occupier of the premises.

(3) The said service-pipe, and all fittings thereon for carrying water from the municipal mains into any premises, and all ferrules, pipes, taps, works and fittings inside the premises, shall in all cases be executed subject to the inspection of the Commissioner and to his satisfaction;

and the connection of premises with the municipal mains, and the laying of supply-pipes under any public street or thoroughfare, shall be executed in the presence of a municipal officer authorized in that behalf, and in no other way.

(4) Such service-pipe, fittings, ferrules, pipes, taps and works may be made by the servants and workmen of the Corporation upon such terms as may be agreed upon between the Commissioner and the person requiring the water-supply, or subject to such charges as may be fixed by the Commissioner;

and, when they are to be so made, the Commissioner may require the cost thereof to be paid or deposited before the work is executed.

Power to Commissioner to inspect premises.

6. The Commissioner may inspect any premises supplied with water under Chapter XVIII in order to examine all pipes, taps, works and fittings connected with the supply of water, and to ascertain whether there is any waste or misuse of such water.

[Cf. 1899, a. 261.]

Replacing or alteration of fittings for supplying water.

7. (1) If any pipes, taps, works or fittings connected with the supply of filtered or unfiltered water in any premises be found, on examination by the Commissioner, to be defective, he may, by written notice, require the owner or occupier of the premises—

[Cf. 1899, a. 262 and 263.]

(a) to replace such fittings, or

(b) to make such alterations therein as may be specified in the notice.

(Schedule XIII.—Rules as to Private Connections to Premises and Meters.—Rules 8-11.)

(2) If any notice issued under sub-rule (1) is not complied with within forty-eight hours, the Commissioner may forthwith carry out the work, and the cost thereof shall be payable by the person to whom the notice was issued.

Inspection of works, etc., by qualified officer before permitting connection with mains.

8. (1) Before a connection for the supply of water from the municipal mains to any premises is sanctioned by the Commissioner, he shall cause all the works, pipes, taps and fittings within such premises to be inspected by a duly qualified officer. [C. 1899, s. 261.]

(2) The cost of such inspection shall be payable in advance, at such rates as the Corporation may from time to time direct, by the person applying for the said connection.

(3) Until the Commissioner has certified that the said works, pipes, taps and fittings have been executed and put up in a satisfactory manner, no connection with the municipal mains shall be made.

Meters.

Testing of meter.

9. (1) If the owner or occupier of any premises to the service-pipe of which a meter is attached desires to have the meter tested, he may send a written application to the Commissioner, and such application shall be accompanied by a fee of five rupees. [C. 1899, s. 274.]

(2) Upon receipt of any such application and fee, the Commissioner shall forthwith cause such meter to be tested, at a time and place to be specified in a notice to be served upon such owner or occupier.

(3) If such meter is found, upon being so tested, to register more than four *per cent.* in excess of the correct quantity, the said fee shall be returned to the person who sent it.

Payment by occupier in case of incorrectness of meter.

10. If a meter which has been tested under rule 9 does not register more than four *per cent.* in excess of the correct quantity, the amount payable under section 256 shall be calculated according to the quantity indicated by the meter; but if the meter registers more than four *per cent.* in excess of the correct quantity, the quantity indicated shall, for the purpose of calculating the amount payable under section 256, be reduced by double the percentage of the excess registered:

Provided that—

(a) if such excess is more than ten *per cent.*, no charge shall be made under section 256; and

(b) no reduction shall be allowed, in calculating the charge for excess under section 256, on account of the incorrectness of the meter, except on the amount payable for the quarter in which the application referred to in rule 9, sub-rule (1), is received.

Replacing of meter.

11. When any meter attached to the service-pipe of any premises is out of order or under repair, the Commissioner shall forthwith replace it by another meter. [C. 1899, s. 276.]

*(Schedule XIII.—Rules as to Private Connections
to Premises and Meters.—Rules 12, 13.)*

Prohibition of
fraud in respect of
meter.

12. No person shall fraudulently—

[*Cf.* 1899,
a. 276 (1).]

- (a) alter the index to any meter, or prevent any meter from duly registering the quantity of water supplied, or
- (b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

Prohibition of in-
juring meter or
fittings.

13. No person shall wilfully or negligently injure or suffer to be injured any meter belonging to the Corporation, or any of the fittings of any such meter.

[*Cf.* 1899,
a. 277.]

SCHEDULE XIV.

RULES AS TO DRAINS, PRIVIES AND URINALS.

[See sections 285, 291, 292, 295, 296, 300, 302, 303, 304, 305, 382 (6) and (7) and 492.]

Drains.

Plans of house-drains to be submitted to Commissioner.

1. (1) Every person who intends to construct a house-drain, or to make any substantial additions to, or alterations in, a house-drain, shall send to the Commissioner an application in such form (to be supplied free of charge) as may be prescribed by the Commissioner, and shall state therein the name and address of the licensed plumber who will execute the work.

(2) Such application shall be accompanied by a plan in triplicate, drawn to a scale of eight feet to the inch (or such smaller scale as the Commissioner may consider sufficient), and showing—

- (a) the premises to be drained and the boundaries thereof,
- (b) the position of the sewer into which the house-drain is to discharge,
- (c) the position of the unfiltered water main (if any) from which the house-drain is to be flushed,
- (d) the position of all existing filtered water pipes,
- (e) the alignment, gradient and size of the proposed house-drain and its appurtenances,
- (f) any existing drains and their appurtenances, and
- (g) any other particulars which may be prescribed by the Commissioner.

Material and joints.

2. Every underground house-drain constructed after the commencement of this Act shall consist of good sound pipes made of glazed stoneware or other suitable material, and shall have water-tight joints made of Portland cement or any other cement approved by the Commissioner. [Cf. 1899, Sch. XV, r. 1.]

Size.

3. Every such house-drain shall be of adequate size, with an internal diameter of not less than— [Cf. 1899, Sch. XV, r. 2.]

- (a) six inches between the master-trap and the sewer, and
- (b) four inches at all other places.

Angles.

4. No such house-drain shall be so constructed as to form in any of such drains a right-angled junction, either vertical or horizontal, and every branch drain or tributary drain shall be joined to another drain obliquely, at an angle of not less than one hundred and thirty-five degrees, in the direction of the flow of such other drain. [Cf. 1899, Sch. XV, r. 3.]

How to be laid.

5. Every such house-drain shall be— [Cf. 1899, Sch. XV, r. 4.]

- (a) laid upon a bed of good concrete of such width as may be approved by the Commissioner, and not less than six inches thick,

(Schedule XIV.—Rules as to Drains, Privies and Urinals.—Rules 6-8.)

(b) covered for half its depth with concrete not less than four inches thick, and

(c) so constructed as to have a proper fall.

Prohibition of inlet within building.

6. Every such house-drain shall be so constructed as to prevent any inlet to the drain (other than such inlet as may be required from the apparatus of a connected-privy or urinal or a slop-sink constructed or adapted to be used for receiving sewage) being made within the premises. [Cf. 1899, Sch. XV, r. 6.]

Traps.

7. (1) In every such house-drain a suitable trap shall be provided. [Cf. 1899, Sch. XV, r. 6.]

(2) Such trap shall be placed—

(a) within the premises, or,

(b) with the approval of the Commissioner and on payment of such fees as may be prescribed by the Corporation, in the footpath or (if there is no footpath) in the roadway adjacent to the premises, and

(c) at a point as distant as may be practicable from the premises and as near as may be practicable to the point at which the drain is connected with a municipal sewer.

(3) Every inlet to any such house-drain (other than an inlet provided in pursuance of rule 8 as an opening for the ventilation of the drain) shall be properly trapped.

Ventilation.

8. The ventilation of every such house-drain shall be provided for as follows:— [Cf. 1899, Sch. XV, r. 7.]

(1) At least two untrapped openings shall be made as follows:—

(a) one opening shall be made at or near the level of the surface of the ground adjoining the opening, shall be as near as may be practicable to the trap prescribed by rule 7, sub-rule (1), shall be on that side of such trap which is nearer to the premises, and shall communicate with the drain by means of a suitable pipe, shaft or disconnecting chamber;

(b) the second opening shall be made by carrying up, from a point in the drain as far distant as may be practicable from the point at which the opening mentioned in sub-clause (a) is situated, a pipe or shaft fixed vertically to such height and in such manner as effectually to prevent any escape of foul air from such pipe or shaft into any premises in the vicinity thereof, and in no case to a less height than ten feet.

(2) In any case in which the Commissioner considers it impracticable to enforce the provisions of sub-clause (a) and sub-clause (b), the two openings prescribed by clause (1) shall be made as follows:—

(i) one opening shall be made by carrying up from a point as near as may be practicable to the trap prescribed by rule 7, sub-rule (1), a pipe or shaft fixed vertically to such height and in such manner as effectually to prevent any escape of foul air from

(Schedule XIV.—Rules as to Drains, Privies and Urinals.—Rule 9.)

such pipe or shaft into any premises in the vicinity thereof, and in no case to a less height than ten feet; and such opening shall be situated on that side of the said trap which is nearer to the premises:

- (ii) the second opening shall be made at a point in the drain as far distant as may be practicable from the point at which the said pipe or shaft is carried up, shall be at or near the level of the surface of the ground adjoining the opening, and shall communicate with the drain by means of a suitable pipe or shaft.

(3) Every opening provided under this rule shall be furnished with a suitable grating or other suitable cover for the purpose of preventing any obstruction in, or injury to, any pipe or drain by the introduction of any substance through the opening.

(4) Such grating or cover shall be so constructed and fitted as to secure the free passage of air through it by means of a sufficient number of apertures, the aggregate extent of which shall be not less than the sectional area of the pipe or drain to which the grating or cover is fitted.

(5) Every pipe or shaft referred to in this rule shall be of a sectional area not less than that of the drain with which the pipe or shaft communicates, and not less than the sectional area of a pipe or shaft of the diameter of four inches.

(6) Except with the written permission of the Commissioner, no bend or angle shall be formed in any pipe or shaft referred to in this rule.

(7) Where the situation, height, sectional area and mode of construction of the soil-pipe of any connected-privy or connected-urinal, or the waste-pipe from any slop-sink situated within any premises, are such as are prescribed by this rule for a pipe or shaft for ventilating a drain, such soil-pipe shall, with the consent of the Commissioner, be deemed to provide the opening which, under this rule, is required to be provided by means of a pipe or shaft.

Soil-pipe of
connected-privy
or
urinal.

9. The soil-pipe of every connected-privy or connected-urinal constructed after the commencement of this Act or provided for a new building shall—

[Cf. 1899,
Sch. XV, r. 8.]

- (a) be at least four inches in diameter,
- (b) be fixed outside the privy or urinal, or outside the building in which the privy or urinal is situated, and be continued upwards without any diminution of its diameter,
- (c) be of such height and be so placed as to afford, by means of the open end of the pipe, a safe outlet for sewer air,
- (d) whenever practicable, be so constructed as to avoid any bend or angle, and
- (e) be so constructed as to have no trap between the pipe and the drains with which the privy or urinal communicates, and no trap (other than such trap as necessarily forms part of the apparatus of the privy or urinal) in any part of the pipe.

(Schedule XIV.—Rules as to Drains, Privies and Urinals.—Rules 10-12.)

Ventilation of soil-pipe of connected-privy or urinal detached from building.

10. Where any such connected-privy or connected-urinal has no internal communication with any building other than the privy or urinal, then,—

[Cf. 1899, Sch. XV, r. 9.]

- (a) if the distance between the privy or urinal and the trap provided under rule 7, sub-rule (1), in the drain with which the privy or urinal communicates is not more than ten feet, no ventilation-pipe need be fixed in the soil-pipe ;
- (b) if the said distance is more than ten feet but not more than thirty feet, a ventilation-pipe shall be fixed in the soil-pipe at a point as far distant as may be practicable from the trap provided under rule 7, sub-rule (1) ; and such pipe shall be placed vertically to such height and in such manner as effectually to prevent any escape of foul air from the pipe into any building in the vicinity thereof, and in no case to a less height than ten feet, and shall be of a sectional area not less than that of the drain with which it communicates, and not less than the sectional area of a pipe of the diameter of four inches ;
- (c) if the said distance is more than thirty feet the soil-pipe shall be ventilated in the manner prescribed by rule 8.

Waste-pipes.

11. (1) The following pipes in any new building, namely :—

[Cf. 1899, Sch. XV, r. 10.]

- (a) the waste-pipe from any bath-sink (not being a slop-sink constructed or adapted to be used for receiving sewage) or lavatory,
- (b) the overflow-pipe from any cistern or from any safe under a bath or connected-privy or connected-urinal, and
- (c) every other pipe for carrying off waste water,

shall be taken through an external wall of the building, shall be provided with a suitable trap, and shall be so constructed as to discharge into the open air over a channel leading to a trapped gully-grating at least eighteen inches distant from that end of the pipe from which the water issues.

(2) The waste-pipe in any such building from any slop-sink constructed or adapted to be used for receiving sewage shall be constructed so as to comply with such of the rules in this Schedule as relate to the soil-pipe of a connected-privy or connected-urinal.

Open house-drains.

12. (1) Every open house-drain constructed after the commencement of this Act, or provided for a new building, for the purpose of discharging surface or sullage water, shall be constructed of brick masonry or concrete covered with a plaster containing not less than twenty-five *per cent.* of Portland cement or any other cement approved by the Commissioner, or of natural or artificial stone, or of glazed half-round pipes.

[Cf. 1899, Sch. XV, r. 11.]

(2) Every such open house-drain shall be connected with a municipal sewer through trapped inlets in the manner prescribed under this Act or under any rule or by-law made thereunder for other house-drains.

(Schedule XIV.—Rules as to Drains, Privies and Urinals.—Rules 13-18.)

Type-plans.

13. Type-plans for the construction of house-drains shall be prepared by the Commissioner and kept open to the inspection of any applicant at the Municipal Office at all reasonable times without charge. [Cf. 1899, Sch. XV, r. 12.]

Maintenance of house-drains kept up for the benefit of certain premises only.

14. (1) Every house-drain which is situated in, alongside or under any street, and which has been or shall be constructed, whether at the charge of the Municipal Fund or not, for the sole use and benefit of, or which is continued for the sole use and benefit of, any premises adjoining or near to such street, [Cf. 1899, s. 306.]

shall be maintained and from time to time repaired, flushed, cleansed and emptied by the owner of such premises.

(2) The Commissioner may, by written notice, require such owner—

(a) to repair, flush, cleanse or empty such house-drain, or

(b) to take such other order with such house-drain as the Commissioner may deem necessary.

Maintenance of house-drains jointly used by two or more premises.

15. (1) Every house-drain, whether constructed at the charge of the Municipal Fund or not, which is jointly used for the drainage of two or more premises, shall be maintained and from time to time repaired, flushed, cleansed and emptied by the owners of such premises.

(2) The Commissioner may, by written notice, require the said owners or any of them to carry out any work referred to in sub-rule (1), and the cost thereof, whether incurred by the said owners or by the Commissioner under section 513, sub-section (2), shall be paid by the said owners in such proportion as the Commissioner may think fit.

Power to Commissioner to supervise and require alteration of work of laying underground drain.

16. (1) When any underground drain, which is not a municipal drain, is being laid, the Commissioner may cause the work to be supervised and may from time to time, by written notice to the person carrying out the work, require the making of any reasonable alteration or addition therein or thereto, or the abandonment of any part thereof, if such alteration, addition or abandonment appears to him to be necessary for ensuring the complete and satisfactory execution of the work. [Cf. 1899, s. 322.]

(2) If any requisition under sub-rule (1) is not complied with, the Commissioner may stop the work and dismantle anything which has been done in contravention of such requisition, and the expenses of so doing shall be paid by the person to whom the requisition was addressed.

Restriction on construction of drain beneath building.

17. Except with the written permission of the Commissioner, and in conformity with such conditions as may be prescribed by the Corporation, either generally or specially, in this behalf, no drain, other than a municipal drain, shall be so constructed as to pass beneath any part of a building. [Cf. 1899, s. 308.]

Drains passing beneath a building.

18. The following provisions shall be observed when any drain is, with the permission of the [Cf. 1899, Sch. XV, r. 13.]

(Schedule XIV.—Rules as to Drains, Privies and Urinals.—Rules 19, 20.)

Commissioner granted under rule 17, constructed so as to pass beneath a building, namely:—

- (1) the drain-pipe shall be of iron or such other material as the Commissioner may approve;
- (2) the drain shall be so laid as to leave, between the top of the drain at its highest point and the surface of the ground beneath the building, a distance of not less than the full diameter of the drain;
- (3) the drain shall be laid in a direct line throughout the whole distance beneath the building;
- (4) the drain shall be completely embedded in, and covered with, good and solid concrete at least six inches thick all round;
- (5) adequate means for ventilating the drain shall be provided (where necessary) at each end of such portion thereof as lies beneath the building.

Privies and Urinals.

Plans of privies and urinals to be submitted to Commissioner.

19. (1) Every person who intends to construct any privy or urinal or to make any substantial additions to, or alterations in, any privy or urinal, shall send to the Commissioner an application in such form (to be supplied to the applicant free of charge) as may be prescribed by the Commissioner.

(2) Such application shall be accompanied by—

- (a) a site-plan in triplicate drawn to a scale of not less than twenty feet to the inch and showing all surroundings to a distance of fifty feet from the privy or urinal, and,
- (b) a detailed plan in triplicate of the privy or urinal with sections and cross-sections, drawn to a scale of four feet to the inch and showing—
 - (i) the means of ventilation,
 - (ii) (for connected-privies and connected-urinals only) the position and capacity of the reserve tank and flushing cistern,
 - (iii) (for connected-privies and connected-urinals only) the size and position of the anti-syphonage pipe, soil-pipe, ventilation-pipe, water-pipe, syphon-trap, and other appurtenances,
 - (iv) the ground-level and the floor-level,
 - (v) all pipes and other appurtenances in connection with the filtered water-supply, and
 - (vi) any other particulars which may be prescribed by the Commissioner.

Power to Commissioner to refuse to sanction service-privy or service-urinal which will be a nuisance.

20. The Commissioner may, for reasons to be recorded by him in writing and furnished to the applicant free of charge, refuse to grant permission to erect any service-privy or service-urinal which will, in his opinion, be a nuisance.

(Schedule XIV.—Rules as to Drains, Privies and Urinals.—Rules 21-24.)

Regulation of site of service-privies and service-urinals.

21. (1) No service-privy or service-urinal exceeding eleven feet in height shall be placed in the space required by this Act to be left at the back of a building.

[Cf. 1899, Sch. XVI, r. 1.]

(2) No service-privy or service-urinal situated in, or adjacent to, a building shall be placed at a distance of less than six feet from—

(i) any public building, or

(ii) any building which is, or is likely to be, used as a dwelling-place, or a kitchen, or as a place in which any person is, or is intended to be, employed in any manufacture, trade or business.

(3) No service-privy or service-urinal shall be constructed in any premises occupied by a masonry building, or, without the special sanction of the Commissioner, in any other premises which are situated in a street which has been sewered and has an adequate unfiltered water-supply.

(4) Every service-privy and service-urinal shall be detached from the inhabited portion of any building.

Power to Commissioner to require substitution of connected-privies for service-privies and connected-urinals for service-urinals.

22. (1) No service-privy or service-urinal shall be placed on any upper floor of a building :

[Cf. 1899, Sch. XVI, r. 2.]

Provided that, if in any case the Commissioner considers it impracticable or inexpedient to provide a connected-privy or a connected-urinal, he may, by written notice, authorize the owner of the building to erect a service-privy or a service-urinal, as the case may be, and require him to pay such sum as may be specified in the notice for the purpose of meeting the expenditure likely to be incurred by the Corporation in removing sewage from the privy or urinal.

(2) The Commissioner may, by written notice, require the owner of any building to convert any service-privy into a connected-privy and any service-urinal into a connected-urinal.

Power to Commissioner to require owner to provide access to service-privy or service-urinal from street.

23. (1) If there is no convenient access from a street to any service-privy or service-urinal, and if the Commissioner considers it inexpedient to require that the privy or urinal be converted into a connected-privy or connected-urinal, as the case may be, he may, if he thinks fit, by written notice, require the owner of the privy or urinal to form a passage giving access thereto from a street.

[Cf. 1899, Sch. XVI, r. 3.]

(2) Every notice served under sub-rule (1) shall require that such passage be formed at ground-level, be not less than four feet wide, and be provided with a suitable door, and shall inform the said owner that the passage may, at his option, be either open to the sky or covered in.

Models and type-plans.

24. Models and type-plans of privies and urinals approved by the Commissioner, with estimates of the cost of constructing privies and urinals in accordance therewith, shall be kept in the Municipal Office, and shall be open to inspection by any person at all reasonable times without charge ; but no person shall be bound to construct any privy or urinal in accordance with any such model or type-plan if such privy or urinal be constructed in accordance with the other rules contained in this Schedule.

[Cf. 1899, Sch. XVI, r. 4.]

(Schedule XIV.—Rules as to Drains, Privies and
Urinals.—Rules 25-29.)

Drains.

25. (1) A drain shall be provided for every service-privy and every service-urinal.

[Cf. 1899,
Sch. XVI,
r. 5.]

(2) Such drain shall be constructed of some impervious material and shall connect the floor of the privy or urinal—

- (a) with a drain communicating with a municipal sewer, or,
- (b) if permitted by the Commissioner, with an impervious cesspool the contents of which can be removed to a municipal sewer either by hand or by flow after filtration.

Floor.

26. (1) The floor of every privy and every urinal shall,—

[Cf. 1899,
Sch. XVI,
r. 6.]

- (a) if the Commissioner in any case so directs, be made of one of the following materials, to be selected by the owner of the privy or urinal, that is to say, glazed tiles, artificial stone or cement, or
- (b) if no such direction is given, be made of thoroughly well-burnt earthen tiles or bricks plastered (and not merely pointed) with cement, and
- (c) be in every part at a height of not less than six inches above the level of the surface of the ground adjoining the privy or urinal.

(2) The floor of every service-privy and every service-urinal shall have a fall or inclination of at least half an inch to the foot towards the drain prescribed by rule 25.

(3) The floor of every connected-privy and connected-urinal in which the opening of the pan is placed on the level of the floor shall have a fall or inclination towards the pan of at least half an inch to the foot.

Walls and roof.

27. The walls and the roof (if any) of every privy and every urinal shall be made of such materials as may be approved by the Commissioner:

[Cf. 1899,
Sch. XVI,
r. 7.]

Provided that,—

- (a) in the case of service-privies and service-urinals, the entire surface of the walls below the platform shall either be rendered in cement or be made as prescribed in clause (a) or clause (b) of rule 26;
- (b) in the case of connected-privies and connected-urinals the walls shall, up to a height of at least twelve inches above the platform, be made as prescribed in clause (a) or clause (b) of rule 26.

Platform.

28. The platform of every privy and every urinal shall either be plastered with cement or be made of some water-tight non-absorbent material.

[Cf. 1899,
Sch. XVI,
r. 8.]

Ventilation of
privies and urinals
in, or adjacent to,
buildings.

29. Every privy and every urinal situated in, or adjacent to, a building shall have an opening, of not less than three square feet in area, in one of the walls of the privy or urinal, as near the top of the wall as may be practicable and communicating directly with the open air.

[Cf. 1899,
Sch. XVI,
r. 9.]

(Schedule XIV.—Rules as to Drains, Privies and Urinals.—Rules 30-35.)

Service-privies and urinals to be provided with a movable receptacle for sewage.

30. (1) Every service-privy and service-urinal shall be provided with a movable receptacle for sewage. [Cf. 1899, Sch. XVI, r. 10.]

(2) The following provision shall have effect with regard to such privies, urinals and receptacles, namely :—

- (a) the space beneath the platform of the privy or urinal shall be of such dimensions as to admit of a movable receptacle for sewage, of a capacity not exceeding two cubic feet, being placed and fitted beneath the platform in such manner and position as will effectually prevent the deposit, otherwise than in such receptacle, of any sewage falling or thrown through the aperture in the platform ;
- (b) the privy or urinal shall be so constructed as to afford adequate access to the said space for the purposes of cleansing it and of placing therein, and removing therefrom, a proper receptacle for sewage ;
- (c) the said receptacle shall be water-tight, and shall be made of metal, well-tarred earthenware or glazed stoneware, and shall be of such construction and shape as the Commissioner may consider suitable ;
- (d) the door of the opening for the insertion and removal of the said receptacle shall be so made as completely to cover the said opening.

Connected-privies and urinals to be separated from kitchens, etc.

31. Every connected-privy and connected-urinal shall be sufficiently separated, to the satisfaction of the Commissioner, from all kitchens, habitable rooms and rooms in which any person is, or is intended to be, employed in any manufacture, trade or business. [Cf. 1899, Sch. XVI, r. 11.]

Flushing of connected privies and of urinals.

32. (1) Every connected-privy shall be provided with a suitable water-cistern, so arranged as— [Cf. 1899, Sch. XVI, r. 12.]

- (a) to discharge direct into the pan of the privy not less than three gallons of water each time the cistern is used, and
- (b) to prevent water being drawn from the cistern for any other purpose.

(2) All waste-pipes and overflow-pipes attached to such cisterns shall terminate in the open air and be cut off from all direct communication with any drain.

(3) Every urinal shall be provided with adequate flushing arrangements to the satisfaction of the Commissioner.

Pan for connected-privies and urinals.

33. Every connected-privy and connected-urinal shall be provided with a pan of such form and dimensions as may be approved by the Commissioner. [Cf. 1899, Sch. XVI, r. 12A.]

Water-trap.

34. Every connected-privy and connected-urinal shall be provided with an air-tight water-trap immediately below the pan. [Cf. 1899, Sch. XVI, r. 13.]

Syphon-trap and anti-syphonage pipe.

35. (1) Every connected-privy and connected-urinal shall be provided with a syphon-trap which shall be proof against syphonage. [Cf. By-law 14 of Calcutta Municipal Drainage By-laws.]

(Schedule XIV.—Rules as to Drains, Privies and Urinals.—Rules 36-39.)

(2) Every such privy or urinal, which is more than one storey high, shall be provided with an anti-syphonage pipe having an internal diameter of not less than two inches, and such pipe shall be carried to a height of at least four feet above the roof of the privy or urinal or the roof of the building in which such privy or urinal is situated.

Prohibition of "containers" and "D traps."

36. No "container" or other similar fitting shall be placed under the pan of a connected-privy or connected-urinal; and no trap of the kind known as a "D trap" shall be used with any such privy or urinal. [Cf. 1899, Sch. XVI, r. 14.]

Soil-pipe for connected-privies and connected-urinals.

37. (1) Every connected-privy and connected-urinal shall be provided with a soil-pipe for carrying sewage to a municipal sewer. [Cf. 1899, Sch. XVI, r. 15.]

(2) Such soil-pipe shall be provided with air-tight joints, and, if it be placed above ground, shall be made of metal approved by the Commissioner.

(3) Such soil-pipe shall, in addition to the trap prescribed by rule 34, be provided with a trap placed at some point between the privy or urinal and the sewer referred to in sub-rule (1).

(4) Such soil-pipe shall be ventilated by direct communication with the open air in the manner prescribed by the rules contained in this Schedule; and, if the privy is situated in a building, the pipe shall be carried outside the building.

Enforcement of the foregoing rules in the case of future privies or urinals.

38. If any new building which is a privy or urinal is so constructed as to contravene any of the provisions of this Schedule, the Commissioner may (whether or not the offender be prosecuted under this Act), by written notice, require— [Cf. 1899, Sch. XVI, r. 16.]

(a) the occupier of the building to which the privy or urinal belongs, or

(b) (if the privy or urinal does not belong to a building) the owner of the land on which the privy or urinal stands,

to make such alterations as may be specified in the notice with the object of bringing the privy or urinal into conformity with the said provisions.

Appeal.

Appeal to the General Appeals Committee.

39. An appeal shall lie to the General Appeals Committee from— [Cf. 1899, s. 527.]

(a) any notice issued or other action taken or proposed to be taken, as the case may be, by the Commissioner under rule 14, sub-rule (2), rule 15, sub-rule (2), rule 16, rule 22, or clause (a) of rule 26 or

(b) any refusal by the Commissioner to grant permission under rule 17 or rule 20.

SCHEDULE XV.

RULES AS TO THE REGULATION, MAINTENANCE, PROTECTION AND REPAIR OF STREETS AND PUBLIC PLACES.

(See sections 318, 382 (8) and (9) and 492.)

Regulation, Maintenance and Protection of Streets and Public Places.

Cutting of hedges and trees and power to Commissioner to cause same to be cut.

1. (1) The Commissioner shall cause any hedges belonging to the Corporation which border on any street or square to be trimmed or pruned to a height not exceeding seven feet, and shall cause any trees belonging to the Corporation which overhang any public street so as to obstruct the same or cause damage thereto, to be cut and trimmed. [Cf. 1899, s. 330.]

(2) The Commissioner may, by written notice, require the owner or occupier of any land or building to trim or prune, to a height not exceeding seven feet, any hedges thereof bordering on any public street, or to cut and trim any tree appertaining to such land or building which overhangs any public street so as to obstruct the same or cause damage thereto.

(3) The Commissioner, if for the public safety it appears to him necessary so to do, may himself cause any hedge or tree referred to in sub-rule (2) to be trimmed, pruned or cut without previously giving notice to the owner or occupier of the land or building as required by that sub-rule, and the expenses thereof shall nevertheless be paid by the said owner or occupier.

Regulation of verandahs, etc., projecting over streets.

2. (1) No verandah supported by pillars resting on a street shall be erected, either as a new structure or otherwise,— [Cf. 1899, s. 340.]

- (a) in any street specified by the Corporation in that behalf,
- (b) in any street the width of which is less than fifty feet, or
- (c) over any footpath the width of which is less than six feet.

(2) No roof shall be placed on any verandah supported as aforesaid, and no roof exceeding three feet in width shall be placed on any verandah projecting over a street and not so supported.

(3) No person shall put up any verandah, balcony, sunshade, weather-frame or the like, to project over any street, without the written permission of the Commissioner.

(4) Subject to the provisions of sub-rule (1) and sub-rule (2) the Commissioner may, in his discretion, give written permission, on such conditions as he may think fit and on payment of such fees or rent as may be fixed from time to time by the Corporation, to owners or occupiers of buildings abutting on any street to put up verandahs, balconies, sunshades, weather-frames and the like, whether supported by pillars or not, to project from any building over such street.

(Schedule XV.—Rules as to the Regulation, Maintenance, Protection and Repair of Streets and Public Places.—Rules 3-6.)

(5) On the breach of any such condition, the Commissioner may, by written notice, require the owner or occupier of the said building to comply with such condition.

(6) At any time after permission has been given under sub-rule (4) to put up a verandah, balcony, sunshade, weather-frame or the like, to project from a building, the Commissioner may, by written notice, require the owner or occupier of the building to remove such projection; and the owner or occupier shall be entitled to reasonable compensation out of the Municipal Fund on account of such removal.

Sky-signs.

3. (1) No person shall erect or maintain a sky-sign without the written permission of the Commissioner, which shall not be granted unless the sign is so constructed and maintained as not to be dangerous to the public or likely to fall into any street or public place. [Cf. 1899, s. 344.]

(2) Every written permission granted under sub-rule (1) shall continue in force for not more than one year from the date on which it was granted, and may be revoked at any time by the Commissioner if he considers that the sky-sign for which it was granted has become dangerous to the public or is likely to fall into a street or public place.

Execution of Works in Public Streets.

Guarding and lighting when public street opened or broken up and speedy completion of work.

4. (1) When any drain in, or the pavement or surface of, any public street is opened or broken up for the purpose of carrying on any work, or when any public street is under construction, the Commissioner shall cause the place to be fenced and guarded and to be sufficiently lighted during the night and shall take proper precautions for guarding against accident, by shoring up and protecting adjoining buildings; and shall, with all convenient speed, complete the said work, fill in the ground, and repair the said drain, pavement or surface, and carry away the rubbish occasioned thereby. [Cf. 1899, s. 345.]

(2) No person shall, without lawful authority, remove any fence or shoring-timber, or remove or extinguish any light, set up under sub-rule (1).

Power to Commissioner to prevent or restrict traffic in street during progress of work.

5. (1) When any work referred to in rule 4 is being executed in any public street, or when any other work which may lawfully be done is being executed in any street, the Commissioner may direct that such street shall, during the progress of such work, be either wholly or partially closed to traffic generally or to traffic of any specified description. [Cf. 1899, s. 346.]

(2) When any such direction has been given, the Commissioner shall set up in a conspicuous position in or near the street an order prohibiting traffic to the extent so directed, and shall fix such bars, chains or posts across or in the street as he may think proper for preventing or restricting traffic therein.

(3) No person shall, without lawful authority, infringe any such order or remove any such bar, chain or post.

Provision of facilities, and payment of compensation, when work executed by Commissioner in public street.

6. (1) When any work is being executed by the Commissioner in any public street, he shall, so far as may reasonably be practicable, make adequate provision for— [Cf. 1899, s. 347.]

(a) the passage or diversion of traffic;

(Schedule XV.—Rules as to the Regulation, Maintenance, Protection and Repair of Streets, and Public Places.—Rules 7-9.)

- (b) proper access to all premises approached from such street; and
- (c) any drainage, water-supply, or means of lighting which are interrupted by reason of the execution of such work.

(2) The Commissioner shall pay compensation to any person who sustains special damage by reason of the execution of any such work.

Naming of Public Streets and Numbering of Premises.

Posting of street names.

7. (1) The Commissioner shall from time to time cause to be put up or painted, in a durable manner, on a conspicuous part of some building, wall or place, at or near each end, corner or entrance of every public street, such name as the Corporation may from time to time determine under section 315, sub-section (2), as the name by which such street is to be known. [Cf. 1899, a. 248.]

(2) No person shall, without lawful authority, destroy, pull down, or deface any such name, or put up any name different from that put up by order of the Commissioner.

Numbering of premises.

8. (1) The Commissioner shall from time to time cause all premises in or near each public street to be numbered separately, and shall cause their respective numbers to be affixed in conspicuous places outside such premises at or near the entrances thereto. [Cf. 1899, a. 249.]

(2) No person shall, without lawful authority, destroy, pull down or deface any such number.

Appeal.

Appeal to the General Committee.

9. An appeal shall lie to the General Appeals Committee from—

- (a) any notice issued or other action taken or proposed to be taken by the Commissioner under rule 2, sub-rule (5), and
- (b) any refusal by the Commissioner to grant a written permission under rule 2, sub-rule (3) or sub-rule (4).

SCHEDULE XVI.

RULES AS TO THE USE OF BUILDING-SITES AND THE EXECUTION OF BUILDING-WORK.

[See sections 16(1), 339, 348, 381, 382 (10), 492, 497 and 498.]

Part I.—Building-sites.

Conditions as to use of building-sites.

1. No piece of land shall be used as a site for the erection of a building,—

[Cf. 1899, Sch. XVII, r. 1.]

- (1) if the building is to abut on a street, unless the site is of such a shape that the face of the building can be made parallel to the line of the street, or as nearly parallel to the said line as the Commissioner may consider practicable; and,
- (2) if the site is within thirty feet of a tank, unless the owner takes, or satisfies the Commissioner that he will take, such order as will prevent any risk of the drainage of the building passing into the tank; and,
- (3) if the site is a filled-up tank, or has been filled up with, or used for depositing, rubbish, offensive matter or sewage, unless the Commissioner has examined the site and granted a certificate to the effect that it is, from sanitary and engineering points of view, fit to be built upon; and,
- (4) if the building to be erected is a public building, a dwelling-house or a hut intended for human habitation, unless the site is certified by the Commissioner to be dry and well-drained, or unless the Commissioner is satisfied that it is capable of being well-drained and that the owner will take the necessary steps to drain it.

Certificate as to correctness of plans of a previously existing building and fees therefor.

2. (1) Any person who intends to erect any building upon a site on which a building has been previously erected, whether before or after the commencement of this Act, may, before commencing to erect his intended building, cause to be prepared plans showing the extent of the previously existing building in its several parts (or, in the event of such building having been taken down before the commencement of this Act, or having been accidentally destroyed, the best plans available under all the circumstances of the case), and may cause such plans to be submitted to the Commissioner who shall (if reasonably satisfied with the evidence of their accuracy) certify the same under his hand; and such certificate shall be taken to be conclusive evidence of the correctness of the plans.

[Cf. 1899, Sch. XVII, r. 1A.]

(2) The Commissioner, when granting a certificate under this rule, may charge such fees, not exceeding ten rupees for any one building, as he may think fit.

Part II.—Buildings generally.

Height.

3. (1) If a building is situated at the side of a street, no portion of the building, except open or balustraded parapets not more than four feet high, shall intersect any of a series of imaginary lines

[Cf. 1899, Sch. XVII, r. 2.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building work.—Rule 3.)

drawn across the street at an angle of forty-five degrees with the horizontal, such lines being drawn from the side of the street which is the more remote from the building in question, from a height of two feet above the centre of the street :

Provided as follows :—

- (i) where the said street is joined at an angle by another street facing the building, the height of the building shall not exceed the height which would be permissible if the said street were not joined at an angle by another street facing the building;
- (ii) where the street in which the building is situated terminates in front of the building, and the building faces down the street, the building shall be deemed to be situated at the side of the street;
- (iii) nothing herein contained shall affect the erection of a building abutting upon, or situated at the side of, a street of not less than sixty feet in width, if such building does not exceed eighty feet in height; and
- (iv) no building exceeding eighty feet in height shall be erected without the special permission of the Commissioner.

Explanation.—If a building be placed at the edge of the street, its height, measured from two feet above the centre of the street and excluding parapets as aforesaid, shall not exceed the average width of the street facing the site; but, if the building or one or more of its storeys be set back, the height of the building may be increased, subject to the condition that no portion of the building, after the height is increased, intersects any of the aforesaid lines.

(2) In the case of a new building erected on any portion of the site of the whole or part of a building in existence at the commencement of this Act, the angle at which the lines referred to in sub-rule (1) are to be drawn shall be fifty-six-and-a-half degrees instead of forty-five degrees :

Provided as follows :—

- (i) the height allowed under this sub-rule shall in no case be more than thirty-six feet, and
- (ii) nothing contained in this sub-rule shall authorize the erection of a new building so as to make it higher than any building which at the commencement of this Act was standing on the same portion of the site.

(3) Notwithstanding anything contained in sub-rule (1) or sub-rule (2), the Corporation may, by order published in the *Calcutta Gazette*, declare that, in any street or portion of a street, not less than sixteen feet in width, which is specified in the order, the erection of two-storeyed buildings not exceeding twenty-eight feet in height, excluding two feet for the plinth and excluding open or balustraded parapets not more than four feet high, will be permitted without complying with the requirements of those sub-rules.

(4) If a building is situated on a corner plot so as to abut upon more than one street, the narrower of

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 4-7.)

such streets shall, for the purpose of regulating the height of the building, be deemed to be of the same width as the wider street to a distance of forty feet from such wider street.

(5) Notwithstanding anything contained in sub-rule (1), sub-rule (2) or sub-rule (4),—

(a) a building of not more than one storey and not exceeding twelve feet in height (excluding two feet for the plinth) above the centre of the street, and

(b) if, in any street which is less than sixteen feet in width, the owner of any building-site abutting on the street makes a free gift to the Corporation of all land, comprised within such site, which falls within eight feet of the centre line of such street, then a two-storeyed building not more than twenty-eight feet high,

may be erected without complying with the requirements of the said sub-rules.

(6) For the purposes of clause (b) of sub-rule (5) of this rule and of clause (b) of sub-rule (4) of rule 30—

(a) the Commissioner may prescribe a centre line for any street which is less than sixteen feet in width, and

(b) when such centre line has been prescribed, the side of the street shall, for the purposes of sub-rule (1), be deemed to be an imaginary line drawn eight feet from such centre line.

Level of floor.

4. The floor or lowest floor of every new building erected from the ground-level shall be constructed at such level as will admit of—

[Cf. 1899, Sch. XVII, r. 3.]

(a) the construction of a drain sufficient for the effectual drainage of the building and placed at such level as will admit of the drainage being led into some municipal sewer at the time existing or projected, and

(b) the provision of the requisite communication with some sewer into which the drainage may lawfully be discharged at a point in the upper half of such sewer, or with some other means of drainage into which the drainage may lawfully be discharged.

Provision of fire escapes in buildings.

5. All buildings of three or more storeys, all public buildings and all buildings of the warehouse class shall be provided with adequate means of escape in case of fire, to the satisfaction of the Commissioner.

Certain buildings not to be erected within six feet of a service-privy.

6. No new public building or new building which is, or is likely to be used as a dwelling-place or a kitchen or as a place in which any person is, or is intended to be, employed in any manufacture, trade or business shall be erected within six feet of any service-privy or service-urinal.

[Cf. Sch. XVI, rule (2).]

Prohibition of use of inflammable materials for roofs or external walls

7. (1) External roofs or walls of buildings shall not, after the commencement of this Act, be made of grass, leaves, mats, canvas or other inflammable materials.

[Cf. 1899, s. 806.]

(2) The Commissioner may, by written notice, require the owner of any building situated within

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 8-13.)

a distance of thirty feet from any other building, and having at the commencement of this Act an external roof or wall made of any such inflammable material, to remove or alter such roof or wall.

(3) Sub-rule (1) and sub-rule (2) shall not apply to bamboo shingle or wood or to any garden hut, orchid house, fernery or other similar structure within a compound, unless in any particular case the Commissioner considers any such structure to be dangerous.

(4) Sub-rule (1) and sub-rule (2) shall likewise not apply to any area hereafter included in Calcutta under section 546, or to any portion of such areas, until they have been specially extended thereto by a resolution passed by the Corporation.

Part III.—Masonry buildings generally.

Foundation.

8. (1) Except with the sanction of the Commissioner, the foundation of a masonry building shall rest on solid ground. [Cf. 1899, Sch. XVII, r. 7.]

(2) Except with the sanction of the Commissioner, the spread of the foundation shall be such that the pressure on the soil, taking into account the load on the floors and terrace-roof (if any) referred to in rules 15 and 17, shall not be greater than one ton on the square foot.

(3) The levels of the foundation shall be such as the Commissioner may consider satisfactory.

Plinth.

9. The plinth of a masonry building shall be at least two feet above the level of the centre of the nearest street: [Cf. 1899, Sch. XVII, r. 8.]

Provided that the plinth of stables, cow-sheds, motor garages and coach houses may be one foot above such level.

Footings for walls.

10. Every wall of a masonry building shall be constructed so as to rest upon proper footings having regular offsets and a horizontal spread on each side of the wall of not less than one-half the height of the footings, unless an adjoining wall interferes, in which case the footings may, subject to the provisions of rule 8, sub-rule (2), be omitted, where that wall adjoins. [Cf. 1899, Sch. XVII, r. 9.]

Outer walls.

11. The outer walls of a masonry building shall be constructed of brick or some similar hard and incombustible substance. [Cf. 1899, Sch. XVII, r. 10.]

Bonding of walls.

12. All walls of a masonry building shall be properly bonded. [Cf. 1899, Sch. XVII, r. 11.]

Damp-proof course

13. (1) Every wall of a masonry building shall have a damp-proof course at the level of the ground floor. [Cf. 1899, Sch. XVII, r. 12.]

(2) Such damp-proof course may consist of sheet-lead, asphalt, slates laid in cement, vitrified bricks, or any other durable material impervious to moisture.

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 14-20.)

Walls in building of more than one storey.

14. If a masonry building exceeds one storey in height,— [Cf. 1899, Sch. XVII, r. 18.]

(a) every wall shall be solidly put together with—

- (i) good cement, or
- (ii) good lime, or
- (iii) mortar compounded with good cement and sand or other suitable material, or
- (iv) mortar compounded with good lime and sand or other suitable material;

(b) the proportions of the materials forming such mortar shall be such as are approved by the Commissioner;

(c) no part of any wall, other than a cornice or moulding, shall overhang any part of a wall underneath it; and

(d) every wall shall be of such thickness as the Commissioner may consider necessary to ensure safety, regard being had to the height of the building, the materials of which it is constructed, and the purpose for which it is intended to use it.

Floors.

15. The floors of every masonry building shall be constructed to bear safely the maximum load to be carried, the allowance for live load not being less than fifty-six pounds on the square foot. [Cf. 1899, Sch. XVII, r. 14.]

Beams and girders.

16. (1) All beams and girders in a masonry building shall be supported by a breadth of brick-work, stone or other solid substance sufficient to secure their stability. [Cf. 1899, Sch. XVII, r. 15.]

(2) The bearing of a beam or girder on a wall shall not, without the sanction of the Commissioner, be less than three-fourths of the thickness of the wall.

Terrace-roofs.

17. Terrace-roofs shall be constructed to withstand such load, not less than forty pounds on the square foot, in addition to their own weight, as may be specified by an order of the Corporation. [Cf. 1899, Sch. XVII, r. 16.]

Power to Commissioner to regulate height of boundary wall.

18. Notwithstanding anything contained in this Schedule, a boundary wall may be erected on the boundary of a site to any height which the Commissioner may think fit and proper in the special circumstances of the case.

Notice to be sent to Commissioner before commencing work.

19. Not less than three days before any person commences to erect a new building (other than a hut) the owner of the building shall send to the Commissioner a written notice specifying the date on which it is proposed to commence the work. [Cf. 1899, s. 280.]

Notice after completion of work.

20. Within one month after the completion of the erection of a new building (other than a hut)— [Cf. 1899, s. 281.]

(a) the owner of the building shall send to the Commissioner a written notice of the fact of such completion; and

(b) the licensed building surveyor or other person (if any), employed under rule 57 to supervise the erection of the said building, shall [Cf. Bom. Act III of 1888, s. 353A.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 21-23.)

sign and send to the Commissioner a true certificate in the following form:—

“ BUILDING COMPLETION CERTIFICATE.

(See Schedule XVI, r. 20.)

I do hereby certify that the following building work (*here insert full particulars of the work*) has been supervised by me and has been completed to my satisfaction; that the workmanship and the whole of the materials used are good; and that no provision of the Calcutta Municipal Act, 1917, or the rules and by-laws made thereunder, and no requisition made, condition prescribed or order issued under the said Act, rules or by-laws has been transgressed in the course of the work.”

[Cf. Bom. Act III of 1888, Schedule T.]

Inspection of masonry buildings by Commissioner.

21. The Commissioner may,—

- (a) at any time during the erection of any new building (other than a hut), or
- (b) within one month after the receipt of the notice or the certificate sent under rule 20 with respect to any such building, or
- (c) if no such notice or certificate has been received, at any time after the building has been erected,

[Cf. 1899, a. 382.]

inspect such building, without giving previous notice of his intention so to do.

Power to Commissioner to take action after making inspection.

22. (1) If, on making any inspection under rule 21, the Commissioner finds that the building inspected is being or has been erected—

[Cf. 1899, a. 383.]

- (a) otherwise than in accordance with the plans thereof which he has approved, or
- (b) in such a way as to contravene any of the provisions of this Act or any rules or by-laws made thereunder,

he may, by written notice, require the owner of the building either—

- (i) to make such alterations as may be specified in the notice with the object of bringing the work into conformity with the said plans or provisions, or
- (ii) to appear before him and show cause why such alterations should not be made.

(2) If such owner does not appear and show cause under clause (ii), he shall be bound to make the alterations specified in such notice.

(3) If such owner appears and shows cause under clause (ii), the Commissioner shall, after hearing him, either—

- (a) cancel the notice issued under sub-rule (1) or
- (b) confirm the same, subject to such modifications (if any) as he may think fit.

Part IV.—Dwelling-houses and other domestic buildings.

Proportion of site for dwelling-house which may be built upon.

23. The total area covered by all the buildings on any site used for a dwelling-house shall not exceed two-thirds, or, in localities where the erection of only

[Cf. 1899, Sch. XVII, r. 17.]

*(Schedule XVI.—Rules as to the use of Building-sites
and the execution of Building-work.—Rules 24-28.)*

detached buildings is allowed, one-third, of the total area of the site, and the area not so covered shall form part of the site.

Dwelling-houses
and out-offices, where
two-thirds of site are
left vacant.

24. If two-thirds of any building-site are left vacant— [Cf. 1899, Sch. XVII, r. 18.]

- (a) the dwelling-house may be placed in any part of the site, but not (subject to the provisions of section 322 or section 328, as the case may be) so as to extend beyond any building-line prescribed under section 321 or section 327; and
- (b) servants' houses, stables and other out-offices within the area of the site shall not exceed fifteen feet in height or twenty feet in depth and shall not be placed on more than two sides of the dwelling-house or within twenty-four feet of the dwelling-house.

Size and ventila-
tion of inhabited
rooms.

25. (1) Every room in a domestic building which is intended to be used as an inhabited room— [Cf. 1899, Sch. XVII, r. 20.]

- (a) shall be in every part not less than ten feet in height, measured from the floor to the under-side of the beam on which the roof or ceiling rests;
- (b) shall have a clear superficial area of not less than one hundred square feet;
- (c) shall have, for purposes of ventilation,
 - (i) windows opening directly into the external air, or into an open verandah, and having an opening of not less than one-fiftieth of the floor area of the room, and
 - (ii) an aggregate opening of not less than one-seventh of the floor-area of the room, to be provided by windows, or windows and doors, opening directly into the external air or into an open verandah, and
- (d) shall, if such room has a cubical area of three thousand cubic feet or less, be provided, for every six hundred cubic feet capacity or fraction thereof, with one ventilating opening, not less than one square foot in area, near the ceiling and opening directly into the external air or into an open verandah:

Provided that the Commissioner may, in his discretion, relax the provisions of clause (a) and clause (b) for reasons to be recorded by him in writing.

Floor of inhabited
room over stable,
cattle-shed or cow-
house.

26. Every room in a domestic building which is intended to be used as an inhabited room, and which is constructed over a stable, cattle-shed or cow-house, shall be separated from the stable, cattle-shed or cow-house by a floor of concrete or other impermeable material. [Cf. 1899, Sch. XVII, r. 20A.]

Ventilation
staircases.

27. In every domestic building constructed or adapted to be occupied in flats, the principal common staircase shall be adequately ventilated upon every storey. [Cf. 1899, Sch. XVII, r. 20B.]

Ground floor.

28. The ground floor of every domestic building shall be covered throughout, at the height of the [Cf. 1899, Sch. XVII, r. 20C.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 29, 30.)

plinth, with some impermeable material approved by the Commissioner, unless such floor be supported on beams and has a free air-space beneath it.

Court-yard
dwelling-house

29. (1) The minimum superficial area of every court-yard of a dwelling-house shall be one-fourth of the aggregate floor-area of the rooms and verandahs on the ground floor abutting on the court-yard: [Cf. 1899, Sch. XVII, r. 21.]

Provided that, in determining the said aggregate floor-area,—

(i) only one-half of the floor-area of such rooms and verandahs as abut on the open space prescribed under rule 30, and

(ii) no portion of the floor-area of such rooms and verandahs as abut on a street not less than twelve feet in width,

shall be taken into account.

(2) Any room which is separated only by an open verandah from the court-yard shall, for the purpose of this rule, be deemed to abut on such court-yard.

(3) The minimum width of every such court-yard shall be eight feet.

(4) No portion of any face of a dwelling-house abutting on such court-yard shall intersect any of a series of imaginary lines drawn across the court-yard from the opposite face of the house, at the level of the plinth, at an angle of sixty-three-and-a-half degrees with the horizontal:

Provided that the Commissioner may, in his discretion, relax the provisions of this sub-rule in the case of a dwelling-house to which rule 24 is applicable.

(5) For the purposes of sub-rule (4), "the opposite face of the house" shall be deemed to be a vertical plane drawn through the most projecting portion of such face.

(6) Notwithstanding anything contained in sub-rule (4), a dwelling-house abutting on a court-yard of which the greater dimension does not exceed twice the less dimension, shall be held to comply with this rule if, by reason of its abutting on a court-yard of the same area but square in shape, the building would comply with this rule. [Cf. 67 & 58 Vict., c. 213, s. 45.]

Open space in rear
of building, regulat-
ing the rear height.

30. (1) There shall be, at the back of every domestic building, an open space extending along the entire width of the building and forming part of the site thereof. [Cf. 1899, Sch. XVII, r. 23.]

(2) The said space shall be of such width that any of a series of imaginary lines drawn across such space at an angle of sixty-three-and-a-half degrees with the horizontal, from points on a level with the plinth of the building and situated on that side of the said space which is furthest from the building, shall not intersect any portion (other than open or balustraded parapets not more than four feet in height) of the building:

Provided as follows:—

(i) the minimum width of such space shall be ten feet; and,

(ii) in the case of two-storeyed buildings, the angle referred to in this rule shall be increased from sixty-three-and-a-half degrees to sixty-eight degrees;

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 31, 32.)

(3) If it is proposed to erect one or more buildings on the site of an existing building or if two or more buildings are proposed to be erected on any one site (whether or not such buildings are connected by means of verandahs or gangways or in any similar manner), the open space referred to in sub-rule (1) shall be provided at the back of each such building.

(4) This rule shall not apply in the case of—

(a) a building the back of which abuts on a public square or street not less than sixteen feet in width;

(b) a building the back of which abuts on a public street less than sixteen feet in width, if the owner makes a free gift to the Corporation of all land, comprised within the site of the building, which falls within eight feet of the centre line of such street as prescribed by the Commissioner under rule 3, sub-rule (6); and

(c) a building to which rule 24 applies;

Provided that, in cases (a) and (b), the height of the building shall, in accordance with the provisions of rule 3, be regulated by the width of the public square or street on which it abuts.

(5) For the purposes of this rule, the back of a building shall be deemed to be that face of the building which is furthest from any street at the side of which the building is situated:

Provided that, where a building is situated at the side of more than one street, the back of the building shall, unless the Commissioner otherwise directs, be deemed to be that face of the building which is furthest from the widest of such streets.

Relaxation of rule 30 in certain cases.

31. If any person desires to erect a domestic building upon a site which is of such a nature that it is impracticable to provide an open space in the rear of the building of the dimensions prescribed by rule 30, the Commissioner may relax the provisions of that rule:—

[*Cf.* 1899, Sch. XVII, r. 23.]

Provided that—

(a) such open space shall be left as the Commissioner may consider practicable, having regard to all the circumstances of the case; and

(b) not more than two-thirds of the total area of the site shall be occupied by buildings.

Open space at sides of building

32. (1) Except in the case of buildings to which rule 24 applies, if either side of a domestic building is not attached to the adjacent building, and if such side does not abut on a public square or street which is not less than six feet in width,

[*Cf.* 1899, Sch. XVII, r. 24.]

there shall be between the buildings an open space extending along the entire length of such side and forming part of the site of the said domestic building:

Provided that attachment of any building to the adjacent building shall not be allowed (except with the permission of the Commissioner) if either of the buildings is a dwelling-house.

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 33, 34.)

(2) The minimum distance across such space from every part of the said domestic building to the boundary line of the land or building immediately opposite such part shall be—

- (a) six feet, if there is a building next to such boundary line or within two feet of it, or
- (b) four feet, if there is an open space of two feet or more on the other side of such boundary line:

Provided that,—

(a) if the said domestic building has more than two storeys, such minimum distance shall be increased by two feet for every storey after the second; and

(b) for the purposes of this rule a staircase room shall not be deemed to be a storey.

(3) Notwithstanding anything contained in this rule, where a site adjacent to the site of a proposed building is not occupied by a masonry building situated within ten feet of the boundary line between the two sites and within twenty-four feet from the frontage of the street on which the two sites abut, the proposed building may, with the sanction of the Commissioner, be erected along the said boundary line up to a depth of twenty-four feet from such street frontage, unless, in the opinion of the Commissioner, there is any objection to any building which may be subsequently erected on the adjacent site being attached to the building so erected.

Court-yards and outward open spaces to be raised and kept open.

33. (1) Every court-yard of a building, and every open space prescribed by rule 30 or rule 32, shall be raised at least one foot above the level of the centre of the nearest street, so as to admit of easy drainage into the street.

[Cf. 1899, Sch. XVII. r. 25.]

(2) Every such court-yard and open space shall form part of the site of the building, shall be open to the sky throughout its entire area, and shall be kept accessible for the purpose of cleansing; and no structure shall be erected within or above, or so as to project over, the same:

Provided that—

(a) a one-seated or two-seated connected-privy not exceeding forty square feet in floor-area, exclusive of walls, may be erected in the open space left under rule 30, sub-rule (2); and

(b) such privy may have as many storeys over it as there are storeys in the house to which it belongs, each of such storeys being connected with the main building by a gangway or bridge of not more than five feet outside width.

(3) The provisions of sub-rule (2) shall apply only to the minimum area prescribed under this Schedule for any court-yard or open space referred to in the said sub-rule.

Paving and draining of court-yards and open spaces.

34. All court-yards in a domestic building, and all other open spaces therein not exceeding six feet in width, shall be paved with some impermeable substance and drained to the satisfaction of the Commissioner.

[Cf. 1899, Sch. XVII, r. 25A.]

*(Schedule XVI.—Rules as to the use of Building-sites
and the execution of Building-work.—Rules 35-42.)*

Space to be added to street not to be taken into account under rules 23, 24, 30 and 32.

35. For the purpose of calculating the open space required to be left under rule 23, rule 24, rule 30 or rule 32, no space which is to be made over to, or acquired by, the Corporation for widening any public street or for inclusion in any projected public street shall be taken into account.

Open space prescribed for one site not to be taken for another site.

36. No building shall at any time be erected on any open space prescribed under this Schedule for a domestic building and forming part of the site thereof, nor shall such open space be taken into account in determining the area of any open space required, under this Schedule, for any other building.

Position of privies in a domestic building.

37. No room other than a bath-room or privy shall be placed over a privy in a domestic building, and no privy shall be placed in a domestic building under any room other than a bath-room or privy.

[1899, Sch. XVII, r. 26.]

New building not to be used as dwelling-house without certificate from Commissioner.

38. (1) Before any new building (other than a hut) is used as a dwelling-house, the owner shall apply to the Commissioner for a certificate that the building is fit for human habitation.

(2) The Commissioner shall thereupon inspect the building and grant the said certificate or not, as he may think fit.

(3) No such building shall be used as a dwelling-house until the Commissioner has certified that it is fit for human habitation.

Part V.—Buildings of the warehouse class.

Height of buildings of the warehouse class.

39. (1) In applying rule 3, sub-rule (1), to any building of the warehouse class situated in a locality in which the erection of buildings of the warehouse class is allowed by declaration under clause (d) of section 344, the said sub-rule shall be read as if fifty-six-and-a-half degrees were substituted for forty-five degrees.

[Cf. 1899, Sch. XVII, r. 28.]

(2) Rule 3, sub-rule (2), shall not apply to any such buildings.

Open spaces for buildings of the warehouse class.

40. The provisions of rules 29 to 36 as to domestic buildings shall have effect in the case of buildings of the warehouse class which are not situated in a locality in which the erection of buildings of the warehouse class is allowed by declaration under clause (d) of section 344.

[Cf. 1899, Sch. XVII, r. 29.]

Floors of certain buildings of the warehouse class.

41. The floor of every building of the warehouse class intended to be used for the manufacture or storage of articles for human consumption shall be constructed of some impermeable material approved by the Commissioner.

[Cf. 1899, Sch. XVII, r. 29A.]

Additional open space for buildings of the warehouse class for loading or unloading carts.

42. (1) Every building of the warehouse class shall, in addition to any open space prescribed under rule 40, have attached thereto, for the accommodation and passage of carts used for the loading and unloading of goods, an open space, forming part of the site of the building, of such size as the Commissioner may consider sufficient, regard being had to the dimensions of the building and the nature and extent of the business to be carried on therein :

[Cf. 1899, Sch. XVII, r. 29B.]

Provided that, if the Commissioner considers that any court-yard, or any open space provided in pursuance of rule 40, is sufficient for the accommodation

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 43-45.)

and passage of such carts, no separate space need be provided under this rule.

(2) No structure which would impede the passage of carts shall be erected within or above, or so as to project over, any open space provided under this rule.

Part VI.—Public buildings.

Application of certain provisions of Part IV to public buildings.

43. (1) The provisions of rules 25, 26, 27, 28, 30, 31, 32, 34, 35, 36 and 37, as to domestic buildings, shall have effect in the case of public buildings. [Cf. 1899, Sch. XVII, r. 29C.]

(2) The provisions of rules 23, 24 and 29, as to dwelling-houses, shall have effect in the case of any public building which is constructed, used or adopted to be used wholly or principally for human habitation, or as a school, college or other place of instruction.

Use of incombustible or fire-resisting materials.

44. The floors of the lobbies, corridors, passages and landings of a public building shall be constructed of incombustible materials, the doors shall be constructed of fire-resisting materials, and the flights of stairs shall be constructed either of incombustible materials or of fire-resisting materials. [Cf. 1899, Sch. XVII, r. 29D.]

Materials to be deemed incombustible.

45. The following materials shall, for the purposes of rule 44, be deemed to be incombustible, namely:— [Cf. 1899, Sch. XVII, r. 29E.]

(a) brick-work constructed of good bricks, well-burnt, hard and sound, properly bonded and solidly put together with—

(i) good mortar compounded of good lime and sharp clean sand, hard clean broken brick, broken flint, grit or slag well pulverized, or

(ii) good cement mixed with any of the materials mentioned in sub-clause (i),

(b) granite and other stone which is suitable for building purposes by reason of its solidity and durability,

(c) iron, steel and copper,

(d) slate, tiles, bricks and terra-cotta, when used for coverings or corbels,

(e) flag-stones when used for floors over arches, if not exposed on the underside and if not supported at the ends only,

(f) concrete, composed of—

(i) broken brick, stone chippings or ballast and lime concrete or calcined gypsum—when the concrete is used for filling-in between joists of floors to a depth of less than five inches, or

(ii) properly burned coke breeze, free from dust and organic impurities, and good cement, in the following proportions, namely, five parts of coke breeze to one part of good cement mixed together with clean water—when the concrete is used for filling-in between the joists of floors to a depth of five inches or more, and

(g) any material approved in that behalf from time to time by the Commissioner.

*(Schedule XVI.—Rules as to the use of Building-sites
and the execution of Building-work.—Rules 46-53.)*

46. The following materials shall, for the purposes of rule 44, be deemed to be fire-resisting, but not incombustible, namely:—

Materials to be deemed to be fire-resisting but not incombustible.

[Cf. 1899, Sch. XVII, r. 29F.]

(a) *sal*, teak and other hard timber, when used for beams or posts or in combination with iron, the timber and the iron (if any) being protected by plastering in cement or other incombustible or non-conducting external coating,

(b) in the case of doors, *sal*, teak or other hard timber not less than one and three-quarters of an inch thick, and

(c) in the case of staircases *sal*, teak or other hard timber, the treads and risers being not less than one inch and a half thick.

Walls for staircases.

47. The walls supporting or enclosing any staircase in a public building shall be of masonry and not less than ten inches thick.

[Cf. 1899, Sch. XVII, r. 29G.]

Uniformity in treads and risers in staircases.

48. The treads and risers of each flight of stairs in a public building shall be of uniform width.

[Cf. 1899, Sch. XVII, r. 29H.]

Width of staircases, internal corridors and passage-ways.

49. (1) No staircase, internal corridor or passage-way in a public building shall be less than six feet wide:

[Cf. 1899, Sch. XVII, r. 29J.]

Provided that, where not more than two hundred persons are to be accommodated in any public building, any staircase, internal corridor or passage-way may be of any width not less than five feet.

(2) Every staircase, internal corridor or passage-way in a public building, which communicates with any portion of the building intended for the accommodation of more than four hundred persons, shall be wider than six feet by six inches for every hundred persons over four hundred, subject to a maximum width of nine feet.

(3) Notwithstanding anything contained in sub-rule (1) and sub-rule (2), instead of a single staircase, corridor or passage-way of the width prescribed by sub-rule (2), there may be two staircases, corridors or passage-ways, each being of a width equal to at least two-thirds of the width so prescribed.

Division of wide staircase by hand-rail.

50. If the width of any staircase in a public building is eight feet or more, the staircase shall be divided by a hand-rail.

[Cf. 1899, Sch. XVII, r. 29K.]

Separate means of exit from floors on different levels.

51. If some of the persons accommodated in a public building are placed on a higher floor than others, separate means of exit, of the width prescribed by rule 49, sub-rule (1), sub-rule (2) or sub-rule (3), as the case may be, and communicating directly with a public street or an open space, shall be provided for each floor:

[Cf. 1899, Sch. XVII, r. 29L.]

Provided that this rule shall not apply to an hotel, or lodging-house, or to any public building which is used as a Home, Refuge or Shelter.

Doors and barriers to open outwards.

52. All doors and barriers in a public building shall be made to open outwards, and no locks or bolts for closing the same from outside shall be affixed thereto.

[Cf. 1899, Sch. XVII, r. 29M.]

External doors of public buildings.

53. The Commissioner may, by written notice, require the owner of any public building to provide the building with external doors or doorways of such

[Cf. 1899, a. 300.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 54, 55.)

number, height and width as the Commissioner may consider necessary, or to cause the external doors thereof to be so constructed or altered as to open outwards.

Part VII.—Applications for permission to erect masonry new buildings.

Application to Commissioner for permission to erect a new masonry building.

54. (1) Every person who intends to erect a new building (other than a hut) shall send to the Commissioner an application for permission to execute the work, together with a site-plan of the land, a plan of the whole building, separate plans of each floor of the building, complete elevations and sections of the work and a specification of the work. [C. 1899, s. 370.]

(2) Every document referred to in sub-rule (1) shall contain the particulars and be prepared in the manner hereinafter in this Part prescribed in this behalf.

Particulars to be furnished in, and with, such application.

55. (1) Every application made under rule 54 shall be written on a printed form (to be supplied by the Commissioner free of charge), and shall state the position of the site, the number assigned to it in the assessment-book and its dimensions, the description of the building and its dimensions, and such other particulars as may be prescribed by the Commissioner. [C. 1899, s. 370.]

(2) The site-plan sent with such an application shall be drawn to a scale of not less than one-fiftieth of an inch to the foot, shall be sent in triplicate, and shall show—

- (a) the boundaries of the site and of any contiguous land belonging to the owner thereof;
- (b) the position of the site in relation to neighbouring streets;
- (c) the name of the street in which the building is proposed to be situated;
- (d) all existing buildings standing on the site;
- (e) the position of the building, and of all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in clause (a), in relation to—
 - (i) the boundaries of the site,
 - (ii) all adjacent streets, buildings and premises within a distance of forty feet of the site and of the contiguous land (if any) referred to in clause (a), and
 - (iii) (if there is no street within a distance of forty feet of the site) some existing street or some street projected under section 327 or sanctioned under section 333;
- (f) the means of access from the street to the building, and to all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in clause (a);
- (g) the position and approximate height of all other buildings within forty feet of the site;

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rule 55.)

- (h) the position, form and dimensions of privies, urinals, drains, cesspools, stables, cattle-sheds, cow-houses, wells and other appurtenances of the building;
- (j) free passage or way in front of the building;
- (k) space to be left about the building to secure a free circulation of air, admission of light and access for scavenging purposes;
- (l) the width of the street (if any) in front, and of the street (if any) at the side or rear, of the building; and
- (m) such other particulars as may be prescribed by the Commissioner.

*Explanation to clause (d).—*If it is intended to demolish or alter any existing building on the site, such building shall be particularly specified, and it shall be expressly stated in the aforesaid application that the applicant undertakes to demolish or alter the same, as the case may be.

(3) The plans of the building and the elevations and sections accompanying such an application shall be neatly and accurately drawn to a scale of not less than one-eighth of an inch to the foot and shall be sent in triplicate; and the said plans shall show—

[Cf. 1899,
Sch. XVII, r.
51.]

- (a) the levels and width of the foundation of the building;
- (b) the level of the lowest floor of the building; and
- (c) the level of all court-yards and open spaces, and the plinth-level of the building, with reference to the level at the centre of the nearest street

(4) The specification accompanying such an application shall comprise full information as to the following particulars, namely:—

- (i) the materials and method of construction to be used for external walls, party walls, foundations, roofs, floors, fire-places and chimneys;
- (ii) the manner in which roof and house drainage and the surface drainage of land will be disposed of;
- (iii) the manner (if any) in which it is proposed to pave the court-yards and open spaces, and the slope to which the surface is to be made in each case;
- (iv) the means of access that will be available to scavengers to get to service-privies;
- (v) the purpose for which it is intended to use the building;
- (vi) if the building is intended to be used as a dwelling-house for two or more families, or as a place for carrying on any trade or business in which more than twenty people may be employed, or as a place of public resort,—the means of ingress and egress to and from such building;

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 56-58.)

(vii) any previous permission to erect a building on the same holding or site, or part thereof, which is still in force; and

(viii) such other particulars as may be prescribed by the Commissioner.

*Explanation to clause (v).—*If it is intended to use the building or any part thereof for any of the purposes specified in Schedule XVIII, or as a stable, cattle-shed or cow-house, the fact shall be expressly stated.

Signature of plans, elevations, and sections.

56. The plans, elevations and sections referred to in rule 54 shall be signed clearly and in a prominent place by the owner of the building and by the licensed building surveyor who has prepared the same as required by section 343.

[Cf. 1899, Sch. XVII, r. 38.]

Necessary employment of licensed building surveyor or other competent person to supervise building.

57. (1) Every person who intends to erect a new building (other than a hut) which is likely, in the opinion of the Commissioner, to cost five thousand rupees or more shall employ a licensed building surveyor, or any other competent person who is approved by the Commissioner, to supervise the erection of such building.

[Cf. Bom. Act III of 1892, s. 344A.]

(2) The name of the person to be so employed shall be stated in the application made, under rule 54, in respect of such building.

(3) If the person to be so employed is not a licensed building surveyor, the Commissioner may, within seven days of the receipt of the said application, refuse to approve his employment, and may return the application for amendment;

and such application shall thereupon be deemed not to have been made until it has been re-submitted duly amended.

(4) If the person so employed dies or ceases to be so employed before the completion of the said building, the further erection of the same shall forthwith be suspended until—

(a) a licensed building surveyor whose name shall forthwith be reported to the Commissioner, or

(b) any other competent person approved by the Commissioner,

has been employed to supervise such erection.

Formulation of requirements and objections.

58. (1) All information and documents which it may be found necessary to require, and all objections which it may be found necessary to make before deciding whether permission to erect a new building (other than a hut) should be given, shall be respectively required and made in one requisition, and the applicant shall be apprised thereof at the earliest possible date.

[Cf. 1899, Sch. XVII, r. 34.]

(2) Within thirty days after the receipt of any application under rule 54 for permission to execute any work, the Commissioner may require the applicant—

(i) to furnish him with any information on matters referred to in that rule which has not already been given in the documents received thereunder, or with any document prescribed by that rule which has not been sent in; or

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building work.—Rules 59-61.)

(ii) to satisfy him that there are no objections which may lawfully be taken, on any of the grounds mentioned in rule 61, to the grant of permission to execute the work.

(3) If any information or documents furnished under sub-rule (2) is or are, in the opinion of the Commissioner, incomplete or defective, he may, within thirty days after the receipt of the same, require further information or documents to be furnished.

(4) If any requisition made under sub-rule (2) or sub-rule (3) is not complied with within three months, the application received under rule 54 shall be deemed not to have been made.

Permission to execute work when to be given or refused by the Commissioner.

59. (1) Within thirty days after the receipt of any application made under rule 54 for permission to execute any work, or of any information or documents or further information or documents required under this Schedule, or within fifteen days after the Commissioner has been satisfied that there are no objections which may lawfully be taken to the grant of permission to execute the work,

the Commissioner shall, by written order, either—

- (a) grant permission conditionally or unconditionally to execute the work, or
- (b) refuse, on one or more of the grounds mentioned in rule 61 or rule 65, as the case may be, to grant such permission.

(2) When the Commissioner grants permission conditionally under clause (a) of sub-rule (1), he may in regard thereto impose such conditions, consistent with this Act, as he may think fit.

Remedy if Commissioner delays grant or refusal of permission.

60. If, within the period prescribed by rule 59, the Commissioner has neither granted nor refused to grant permission to execute any work, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made thereunder.

Grounds on which permission to erect a masonry new building may be refused.

61. The only grounds on which permission to erect a new building (other than a hut) may be refused are the following, namely:—

(1) that the work, or any of the particulars comprised in the site-plan, building-plans, elevations, sections or specification would contravene some specific provision of this Act or some specific order, rule or by-law made thereunder;

(2) that the application for such permission does not contain the particulars or is not prepared in the manner prescribed in this Schedule;

(3) that, in the case of a new building (other than a hut) falling within the street alignment or building-line of a public street projected under section 63 of the Calcutta Improvement Act, 1911, the permission of the Chairman of the Board of Trustees for the Improvement of Calcutta has not been obtained;

(4) that any of the documents referred to in rule 54 have not been signed as prescribed in rule 56;

Ben. Act V of 1911.

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 62-66.)

(5) that any information or documents required by the Commissioner under this Schedule has or have not been duly furnished; or

(6) that the applicant has not satisfied the Commissioner that there are no objections which may lawfully be taken, on any of the grounds mentioned in this rule, to the grant of the said permission.

Commissioner to sign approved plans.

62. When the Commissioner has given permission to execute any work, he shall sign the approved plans of the work.

[Cf. 1899, Sch. XVII, r. 36.]

Retention of plan and submission of fresh application, after refusal to permit execution of work.

63. When permission to erect a new building (other than a hut) is refused,—

[Cf. 1899, s. 376 and Sch. XVII, n. 86.]

(a) the Commissioner shall retain one copy of the plans submitted and shall without charge furnish the applicant with his reasons for such refusal, in writing under his signature, and

(b) the applicant may at any time thereafter send to the Commissioner a fresh application and fresh or modified documents under rule 54, framed with the object of meeting the objections for which such permission was refused.

Work not to be commenced unless and until permission given.

64. Subject to the provisions of rule 60, the erection of a new building (other than a hut) shall not be commenced unless and until the Commissioner has granted written permission for the execution of the work on an application sent to him under rule 54.

[Cf. 1899, s. 372.]

Special powers to Commissioner to suspend or grant permission to erect a masonry building or convert huts, etc., into a masonry building.

65. Notwithstanding anything contained in rule 61—

[Cf. 1899, s. 378.]

(a) if any street shown in the site-plan is an intended private street, the Commissioner may, in his discretion, refuse to grant permission to erect a masonry building or to convert one or more huts or temporary structures into a masonry building until the street is commenced or completed, and

(b) the Commissioner may for special reasons grant permission to erect a masonry building, or to convert one or more huts or temporary structures into a masonry building, on any site without reference to its position in relation to any street.

Lapse of permission, if not acted upon within one year, or, if granted prior to 1st April, 1900, except in certain circumstances.

66. (1) If the erection of any new building (other than a hut) is not commenced, and a substantial portion of it is not completed, within one year after the date on which permission was given to execute the work, the work shall not be commenced or continued until a fresh application has been made and a fresh permission granted under this Schedule.

[Cf. 1899, s. 379.]

(2) At any time before the expiry of one year from the date on which such permission was given, the person to whom it was granted may apply to the Commissioner for a certificate that the building has been commenced and a substantial portion of it already completed; and the Commissioner shall thereupon inspect the said building, and if he considers that a substantial portion of it has been completed, he shall grant a certificate to that effect.

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 67-74.)

(3) If any masonry building, permission to erect which was granted before the first day of April, 1900, has not been wholly completed at the commencement of this Act, the said permission shall be deemed to have lapsed, and any work done thereunder, after the commencement of this Act, shall be deemed to have been done without permission.

Power to Commissioner to cancel permission on the ground of material misrepresentation by applicant.

67. If, at any time after permission to erect any masonry building has been given, the Commissioner is satisfied that such permission was granted in consequence of any material misrepresentation or inaccuracy contained in the application made under rule 54, or in the plans, elevations, sections or specifications submitted therewith in respect of such building, he may cancel such permission, and any work done thereunder shall be deemed to have been done without permission.

Part VIII.—Huts.

Continuous lines.

68. (1) Huts in a *bustee* shall be built in continuous lines, in accordance with an alignment to be prescribed by the Commissioner and demarcated on the ground, after hearing the objections (if any) of the owner of the *bustee*.

[Cf. 1899, Sch. XVII, r. 87.]

(2) If the Commissioner is of opinion that huts in a *bustee* are likely to be erected hereafter on any vacant land he may, after hearing the objections (if any) of the owner of the land,—

- (a) prescribe alignments for huts on such land, and
- (b) from time to time alter such alignments.

Distance between eaves and alignment.

69. When an alignment has been prescribed under rule 68, no hut shall be erected so that the distance measured from its eave to such alignment is less than six feet.

[Cf. 1899, Sch. XVII, r. 38.]

Use of spaces referred to in rule 69.

70. All spaces referred to in rule 69, between a hut and an alignment, shall remain private property, subject to a right in the Corporation to use them for the purposes of scavenging or for any of the other purposes of this Act.

[Cf. 1899, Sch. XVII, r. 39.]

Erection of huts in a *bustee* in court-yard formation.

71. Notwithstanding anything contained in rule 68 or rule 69, huts in a *bustee* may, with the special sanction of the Commissioner, be erected so as to form an open courtyard comprising at least one-fourth of the whole area occupied by the huts and court-yard:

[Cf. 1899, Sch. XVII, r. 40.]

Provided that no portion of such huts shall be built upon a *bustee* street aligned under section 375.

Area of court-yard in huts not in a *bustee*.

72. Where huts other than huts in a *bustee* are erected so as to form an open court-yard, the area of the court-yard shall not be less than one-fourth of the area occupied by the huts and court-yard.

[Cf. 1899, Sch. XVII, r. 40A.]

Space between huts.

73. There shall be between any two huts a space of at least three feet, measured from eave to eave.

[Cf. 1899, Sch. XVII, r. 41.]

Distance of huts from metalled and sewered street.

74. Except with the sanction of the Commissioner, no hut shall be placed at a greater distance than one hundred feet from the nearest part of a

[Cf. 1899, Sch. XVII, r. 42.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 75-82.)

metalled and sewered street, unless there be a municipal or *bustee* drain at a distance of not more than twenty feet from the site of such hut.

Distance between hut and masonry building.

75. No portion of a hut shall be placed within six feet of a masonry building: [Cf. 1899, Sch. XVII, r. 43.]

Provided that this rule shall not preclude the erection of huts in the compound of a masonry building in any case where masonry out-offices would be permissible.

Distance between hut and cow-house, etc.

76. No hut used for human habitation shall be placed within six feet of a cow-house, cattle-shed or stable.

Prohibition of projections or dropping of water over street or passage.

77. Every hut abutting on a street or passage, whether public or private, shall be constructed so as not to project over, or admit of water from the roof falling upon, or injuring, such street or passage. [Cf. 1899, Sch. XVII, r. 44.]

Height.

78. No hut shall comprise more than two storeys or shall exceed twenty feet in height, measured from the top of the plinth to the junction of the walls with the roof. [Cf. 1899, Sch. XVII, r. 45.]

Plinth.

79. The plinth of a hut shall be raised at least two feet above the level of the centre of the nearest street or passage, and the floor shall be of some impermeable material. [Cf. 1899, Sch. XVII, r. 46.]

Rooms.

80. (1) The whole of at least one side of every room in a hut shall either be an external wall or abut on an open court-yard or on an open verandah. [Cf. 1899, Sch. XVII, r. 46A.]

(2) Every room in a hut, which is intended to be used as an inhabited room, shall—

- (a) be provided with a doorway of not less than fifteen square feet in area;
- (b) be provided with a window or windows opening directly into the external air or into an open verandah, and having an opening of not less than one-fifteenth of the floor area of the room;
- (c) have a superficial area of not less than eighty square feet; and
- (d) have a height of not less than eight feet measured from the top of the plinth to the junction of the walls with the roof.

Court-yards.

81. (1) The court-yard (if any) of a hut shall be so raised that the upper surface shall be one foot above the level of the nearest street or passage, and shall be drained into the nearest drain. [1899, Sch. XVII, r. 46B.]

(2) The width of such court-yard shall be not less than eight feet.

Part IX.—Applications for permission to erect new buildings which are huts.

Application to be sent, and particulars furnished, to Commissioner by person intending to erect a hut.

82. (1) Every person who intends to erect a new building which is a hut on any land shall send to the Commissioner— [Cf. 1899, s. 364.]

- (a) an application for permission to execute the work,
- (b) a site-plan of the land,

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 83, 84.)

- (c) a section of the hut, and
- (d) a specification of the work.

(2) Every such application shall contain the particulars and be prepared in the manner prescribed in that behalf in this Schedule,

and every such plan, section and specification shall be signed by the licensed building surveyor who has prepared the same as required by section 343. [Cf. Bom. Act III of 1889, s. 399.]

Application for permission to erect a hut.

83. (1) Every application for permission to erect a new building which is a hut shall be written on a printed form to be supplied by the Commissioner free of charge. [Cf. 1899, Sch. XVII, r. 47.]

(2) If it is intended to use the hut, or any part thereof, for any of the purposes specified in Schedule XVIII, or as a stable, cattle-shed, or cow-house, the fact shall be expressly stated in the said application.

(3) The site-plan sent with such an application shall be drawn to a scale of not less than one-eighth of an inch to the foot, shall be sent in triplicate, and shall show—

- (i) the hut,
- (ii) the privy provided or to be provided for the use of occupants of the hut,
- (iii) the position and size of the doors and windows,
- (iv) all existing buildings standing on the site,
- (v) the means of access to the hut from the street or passage on which it abuts,
- (vi) the position of the hut in relation to all huts, streets, passages, privies and tanks within a distance of fifty feet from the site, and
- (vii) such other particulars as may be prescribed by the Commissioner.

*Explanation to clause (iv).—*If it is intended to demolish or alter any existing building on the site, such building shall be particularly specified and it shall be expressly stated in the aforesaid application referred to in sub-rule (1) that the applicant undertakes to demolish or alter the same, as the case may be.

Power to Commissioner to require further information or a proper site-plan.

84. (1) The Commissioner may, on receipt of an application under rule 82, require the applicant— [Cf. 1899, Sch. XVII, r. 48.]

- (a) to furnish him with any information on matters referred to in rule 82 which has not already been given in the documents received thereunder, or with a proper site-plan as prescribed by that rule, or
- (b) to satisfy him that there are no objections which may lawfully be taken, on any of the grounds mentioned in rule 83, to the grant of permission to execute the work.

(2) If any information or plan required under sub-rule (1) is, in the opinion of the Commissioner, incomplete or defective, he may require further information or a fresh plan to be furnished.

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 85-88.)

(3) If any requisition made under sub-rule (1) or sub-rule (2) is not complied with within one month, the application received under rule 82 shall be deemed not to have been made.

Power to Commissioner to employ licensed building surveyor to prepare site-plan, etc., for hut

85. The Commissioner may—

- (a) on the application of any person who intends to erect a new building which is a hut, and
- (b) on payment, by such person, of such fees as the Corporation may prescribe in that behalf.

employ a licensed building surveyor to prepare, in respect of such hut, the plans, sections and specifications prescribed by rule 82.

Permission to execute work when to be given or refused.

86. Within fourteen days after the receipt of any application made under rule 82 for permission to erect a new building which is a hut, or of any information or plan or further information or fresh plan required under this Schedule, or within fourteen days after the Commissioner has been satisfied that there are no objections which may lawfully be taken to the execution of the work, the Commissioner shall, by written order, either grant such permission or refuse to grant the same on one or more of the grounds mentioned in rule 88.

[Cf. 1899, n. 888.]

Remedy if Commissioner delays grant or refusal of permission.

87. If, within the period prescribed by rule 86, the Commissioner has neither granted nor refused to grant permission to erect a new building which is a hut, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made thereunder.

[Cf. 1899, n. 888.]

Grounds on which permission to erect a hut may be refused.

88. The only grounds on which permission to erect a new building which is a hut may be refused are the following, namely:—

[Cf. 1899, n. 888.]

- (1) that the work would contravene some specific provision of this Act or some specific order, rule or by-law made thereunder;
- (2) that the application for such permission does not contain the particulars, or is not prepared in the manner, prescribed in this Schedule;
- (3) that, in the case of a new building which is a hut falling within the street alignment or building-line of a public street projected under section 63 of the Calcutta Improvement Act, 1911, the permission of the Chairman of the Board of Trustees for the Improvement of Calcutta has not been obtained;
- (4) that any plan, section or specification has not been signed as prescribed by rule 82, sub-rule (2);
- (5) that any information or plan required by the Commissioner under this Schedule has not been duly furnished; or

Ben. Act V of 1911.

[Cf. Bom. Act III of 1888, n. 309.]

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 89-94.)

(6) that the applicant has not satisfied the Commissioner that there are no objections which may lawfully be taken, on any of the grounds mentioned in this rule, to the grant of the said permission.

Retention of plan, and submission of fresh application, after refusal of permission to erect a hut.

89. When permission to erect a new building which is a hut is refused,—

[Cf. 1899, Sch. XVII, r. 49.]

(a) the Commissioner shall retain one copy of the plan and shall without charge furnish the applicant with his reasons for such refusal in writing under his signature, and

(b) the applicant may at any time send to the Commissioner a fresh application and a fresh or modified plan under rule 82 framed with the object of meeting the objections for which such permission was refused.

Work not to be commenced unless and until permission given.

90. Subject to the provisions of rule 87, the erection of a new building which is a hut shall not be commenced unless and until the Commissioner has granted written permission for the execution of the work on an application sent to him under rule 82.

[Cf. 1899, s. 336.]

Lapse of permission, if not acted upon within six months.

91. If the erection of any new building which is a hut is not commenced within six months after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this Schedule.

[Cf. 1899, s. 390.]

Part X.—Application of rules in this Schedule to alterations of, and additions to, Buildings.

Relaxation of rule 3.

92. In applying rule 3 in the case of an alteration of, or addition to, any building, the angle at which the lines referred to in sub-rule (1) of that rule are to be drawn shall be fifty-six-and-a-half degrees instead of forty-five degrees:

[Cf. 1899, Sch. XVII, r. 50.]

Provided that nothing contained in this rule shall authorize any addition to a building which would make it higher than any building which, at the commencement of this Act, was standing on the same portion of the site.

Applicability of rules 80 and 32 to alterations and additions above the ground floor.

93. Rule 30 and rule 32 shall respectively apply to alterations of, or additions to, any domestic building, public building or building of the warehouse class (not situated in a locality in which the erection of buildings of the warehouse class is allowed by declaration under clause (d) of section 344) above the ground floor, even though the open spaces required under the said rules have not been left on the ground floor.

Restriction on application of rules 64 to 67, or 82 to 91.

94. (1) Rules 54 to 67, or rules 82 to 91, as the case may be, shall not be applied in the case of any alteration of, or addition to, a building unless one or more of the following works is or are undertaken, namely:—

[Cf. 1899, Sch. XVII, r. 52.]

(a) the construction or re-construction of a roof or an external or party wall,

(b) any repairs to the building which involve the re-construction of—

(i) a masonry wall.

(Schedule XVI.—Rules as to the use of Building-sites and the execution of Building-work.—Rules 95, 96.)

- (ii) the floor of a room (excluding the ground floor),
- (iii) a lift-shaft, or
- (iv) a chimney

after the same has been entirely or in great part demolished,

- (c) the closing of any door or window in an external wall,
- (d) the construction of an internal wall or partition,
- (e) any other alteration of the internal arrangements of a building which affects an alteration of its court-yard or court-yards or its drainage, ventilation or sanitary arrangements, or which affects its security,
- (f) the addition of any building, room, out-house or other structure,
- (g) the roofing of any space between one or more walls and buildings,
- (h) the conversion into more than one place for human habitation of a building originally constructed as one such place,
- (j) the conversion of two or more places of human habitation into a greater number of such places, or
- (k) the alteration of a building for the purpose of effecting a partition amongst joint owners.

(2) In the case referred to in clause (g) of sub-rule (1), the said rules 51 to 67, or rules 82 to 91, as the case may be, shall apply only as regards the structure which is formed by roofing a space, and not as regards adjoining buildings.

Grant of provisional permission to proceed with work in cases of urgency.

95. (1) If, in any case of urgency arising from causes beyond his own control, any person desires to undertake without delay any of the works referred to in rule 94, he may send to the Commissioner an application for provisional permission to proceed with the work.

[Cf. 1899, Sch. XVII, r. 6B.]

(2) Such application shall contain an explanation of the urgency and a general description of the work proposed to be undertaken.

(3) Within a period of three days after the receipt of any such application, the Commissioner shall, by written order, either grant or refuse to grant provisional permission to proceed with the work.

(4) If, within the said period of three days, the Commissioner has neither granted nor refused to grant such provisional permission, the same shall be deemed to have been granted and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or of any rule or by-law made thereunder.

(5) Whenever such provisional permission is granted, and in any case provided for by sub-rule (4), the applicant shall within fifteen days, send to the Commissioner a regular application for permission to execute the work; and if he fails to do so, the provisional permission shall be deemed to be withdrawn.

Part XI.—Appeal.

Appeal to the Buildings Appeals Committee.

96. An appeal shall lie to the Buildings Appeals Committee from any order made, or notice issued, by the Commissioner under this Schedule.

SCHEDULE XVII.

RULES FOR THE INSPECTION AND REGULATION OF
LAND AND BUILDINGS.

[See sections 382 (11), 396, 400 and 492.]

Power to Commissioner to inspect premises for sanitary purposes.

1. (1) The Commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof. [Cf. 1899, s. 439.]

(2) If the Commissioner has reason to believe that any building (not being a students' hostel) is used as a public lodging-house or is let out in rooms to twelve or more lodgers, such inspection may be made at any time by day or by night.

Power to Commissioner to require cleansing and lime-washing of building.

2. If it appears to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building inspected under rule 1 to cause the same or any portion thereof to be lime-washed or otherwise cleansed, either externally or internally or both externally and internally. [Cf. 1899, s. 440.]

Power to Commissioner to require owner to secure, enclose, cleanse, or clear land or building which is untenanted, filthy or a nuisance.

3. If any land or building;

- (a) by reason of abandonment or disputed ownership or for any other reason, remains untenanted and thereby becomes a resort of idle and disorderly persons, or
- (b) is in a filthy or unwholesome state, or
- (c) is complained of by any two or more of the persons residing in its neighbourhood as a nuisance,

the Commissioner, after due inquiry, may give written notice to the owner, if he be known and resident in Calcutta, or to any person who is known or believed to claim to be the owner, if such person be resident in Calcutta,

and shall also affix a copy of the said notice on the door of the building or on some conspicuous part of the land, as the case may be,

requiring the said owner or the persons concerned in the land or building, whoever they may be, to secure, enclose, cleanse or clear the same.

Power to Commissioner to demolish, repair or secure building or fixture in a ruinous state, &c.

4. (1) If any building, or anything affixed thereto, be deemed by the Commissioner to be in a ruinous state, or likely to fall, or to be in any way dangerous, he shall forthwith cause a written notice to be served on the owner, if he be known and resident in Calcutta, and also to be put on some conspicuous part of the building or served on the occupiers (if any) thereof, requiring such owner or occupier forthwith to demolish, repair or secure such building or thing as the case may require. [Cf. 1899, ss. 441 and 442.]

(2) The Commissioner may also, if it appears to him to be necessary so to do, cause a proper hoarding or fence or other means of protection to be put up at the expense of the owner of such building, for the safety of the public or the inmates thereof; and may also require the inmates of the building to vacate it.

(Schedule XVII.—Rules for the Inspection and Regulation of Land and Buildings.—Rules 6-7.)

(3) The provisions of this Act and of any rules or by-laws made thereunder relating to buildings shall apply to any work done in pursuance, or in consequence, of a notice issued under sub-rule (1).

Power to Commissioner to sell materials of buildings demolished in pursuance of notice issued under rule 4.

5. If any building, or any part of a building, be demolished by the Commissioner under section 513, in pursuance of a notice issued under rule 4, he may sell the materials thereof and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand, restore to the owner any surplus arising from such sale.

[Cf. 1899, s. 445.]

Further powers to Commissioner with reference to overcrowded buildings.

6. (1) Whenever the Commissioner considers—

[Cf. 1899, s. 445.]

- (a) that any building is, by reason of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation, or by reason of the impracticability of cleansing, attended with risk of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, or
- (b) that any block of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid,

he may cause a written notice to be fixed to some conspicuous part of the building or block, requiring the owners or occupiers thereof, or, at the option of the Commissioner, the owners of the land occupied by such building or block, to execute such works or take such measures as the Commissioner may deem necessary for the prevention of such risk.

(2) Where any building, in respect of which a notice has been issued under sub-rule (1), has been demolished in pursuance of an order made by a Magistrate under section 382, the Corporation shall make reasonable compensation to the owner thereof.

7. (1) When—

Power to Commissioner to direct the filling up, etc., of unwholesome wells, pools, etc.

- (a) any well, pool, ditch, tank, pond, pit or marshy or undrained ground, or
- (b) any cistern, reservoir or water-butt or any other receptacle or place where water is stored or accumulates, or
- (c) any waste or stagnant water, whether within any private enclosure or not,

[Cf. 1899, ss. 343 and 147.]

[Cf. Bom. Act III of 1888, s. 381, as amended by Bom. Act VI of 1913.]

appears to the Commissioner to be injurious to health or offensive to the neighbourhood or in any other respect a nuisance, he may, by written notice, require the owner or occupier of—

- (i) the land or building to which such well pertains, or
- (ii) such pool, ditch, tank, pond, pit, ground, cistern, reservoir, water-butt, receptacle, place or water,

to cleanse or to fill up the same with suitable material or to drain off or remove water therefrom or to take such other order therewith as the Commissioner may deem necessary.

(Schedule XVII.—Rules for the Inspection and Regulation of Land and Buildings.—Rules 8, 9.)

(2) If the Commissioner, in exercise of the powers conferred by section 513, executes any work referred to in a notice issued under sub-rule (1), and if the person liable to pay the expenses of such work fails to pay the same, the Commissioner may, until such expenses are paid,—

- (i) lease any part of the land used in connection with the said well, pool, ditch, tank, pond, pit, cistern, reservoir, water-butt, receptacle, place or water, or any part of the said ground, as the case may be, or
- (ii) retain possession of the same, or the site thereof, and utilize it for public purposes.

(3) If the said expenses be paid by an occupier of land he may deduct the same from any rent due to the owner of the land.

Power to Corporation to regulate excavations.

8. (1) The Corporation may, by a general order, or by an order to affect such portion of Calcutta as may be specified therein, prohibit—

[Cf. 1899, a. 448.]

- (a) the making of excavations for the purpose of taking earth therefrom, or of storing rubbish or offensive matter therein, and
- (b) the digging of cesspools, tanks, ponds, wells or pits, without the special permission of the Commissioner.

(2) Every such order shall be published in the *Calcutta Gazette*.

(3) No person shall make any excavation referred to in clause (a) of sub-rule (1), or dig any cesspool, tank, pond, well or pit, in contravention of any such order.

(4) If any such excavation, cesspool, tank, pond, well or pit is made or dug after the publication of any such order and without the permission required thereby, the Commissioner may, by written notice, require the owner or occupier of the land on which the same is made or dug to fill it up with earth or other material approved of by the Commissioner.

Appeal.

Appeal to the General Appeals Committee.

9. An appeal shall lie to the General Appeals Committee from—

[Cf. Ben. 1899, a. 447 (4).]

- (a) any notice issued by the Commissioner under rule 3, rule 6, sub-rule (1), rule 7, sub-rule (1), or rule 8, sub-rule (4), and
- (b) any action taken by the Commissioner under rule 7, sub-rule (2).

SCHEDULE XVIII.

[Of 1893.
Sch. XVIII.]

CERTAIN PURPOSES FOR WHICH PREMISES MAY NOT BE
USED WITHOUT A LICENSE.

[See sections 402, 406, 497 and 498, and Schedule XVI,
rules 55 (4) and 83 (2).]

- (1) Casting metals.
- (2) Manufacturing bricks, pottery or tiles.
- (3) As a knacker's yard.
- (4) As a hide godown or hide screw-house.
- (5) As a manufactory or place of business from which offensive or unwholesome smells, fumes, or dust arise.

(6) As a depôt for hay, straw, wood, coal or rags.

(7) Packing, pressing, cleansing, preparing or manufacturing, by any process whatever, any of the following articles, namely:—

cloths in indigo or	pottery,
other colours,	
paper,	silk.

(8) Storing, packing, pressing, cleansing, preparing or manufacturing, by any process whatever, any of the following articles, namely:—

blasting powder,	iron,
blood,	jute,
bones,	leather,
brass,	lime,
candles,	manure,
catgut,	matches for lighting,
chemical preparations,	meat,
china grass,	nitro-glycerine,
cocoanut fibre,	offal,
cotton (other than	oil,
cotton pressed into	oil-cloth,
bales), or cotton	pitch,
refuse or seed,	rag,
dammer,	rosin,
dynamite,	saltpetre,
fat,	skins,
fins,	soap,
fireworks,	spirits,
fish,	steel,
flax,	sugar,
flour,	sulphur,
fulminate of mercury,	surki,
gas,	tallow,
grain,	tar,
gun-cotton,	tin,
gun-powder,	tobacco,
hair,	tow,
hemp,	turpentine,
hides,	wool.
hoofs,	
horns,	

SCHEDULE XXI.

[Cf. 1899,
Sch. XXI.]

FORM OF NOTICE TO BE ISSUED ON YELLOW PAPER AND
AFFIXED ON PREMISES WHEN OTHER MEANS OF
SERVICE NOT AVAILABLE.

(See sections 507 and 508.)

To (name and address)

[or, to the owner or occupier of (number of build-
ing or description of land and number of premises in
assessment-book).]

Take notice that a bill (or, as the case may be) has
been issued against you to the following effect (state
the substance of the document), and that you are
required to (state the requirement as mentioned in
the document).

Dated this day of

(Signature of municipal authority
or other person issuing the notice.)

SCHEDULE XXII.

CONSTRUCTION OF REFERENCES IN BENGAL ACT V OF
1911 TO THE GENERAL COMMITTEE.

(See section 561.)

1	2
Sections of Bengal Act V of 1911 containing references to the General Committee.	Construction.
Section 56, sub-section (1) ...	The Commissioner.
„ 65, sub-section (1) ...	The Commissioner.
„ 65, sub-section (2) ...	The Corporation.
„ 65, sub-section (3) ...	The Corporation.

STATEMENT OF OBJECTS AND REASONS.

I.—The Calcutta Municipal Act, 1899 (Bengal Act III of 1899), has been in force since the 1st April, 1900, and though it is admitted on all hands that immense strides have been made in the improvement of the city during that period, it has been found in actual practice that the constitution provided by that Act is not altogether suited to the needs of Calcutta. The Corporation have frequently represented the difficulties which arise owing to the existence of the three independent and co-ordinate municipal authorities; and the Royal Commission upon Decentralization, after enquiring into the municipal administration generally, were strongly impressed with the necessity of relieving the Chairman of the ever-growing responsibility of presiding at all meetings of the Corporation and the General Committee, and at practically all Special and Sub-Committees. They accordingly recommended in their report the adoption of the system in force in Bombay, under which all executive authority vests in a Municipal Commissioner appointed by Government, who is not a member of the Corporation. The present Bill provides both for the abolition of the General Committee,—thus reducing the co-ordinate municipal authorities to two,—and for the appointment of a Municipal Commissioner as the chief executive authority. Besides this, it is proposed to enlarge the constitution of the Corporation, and an endeavour has been made to provide for the adequate representation of all sections of the community. The opportunity has also been taken to overcome many practical difficulties which have been experienced as the result of some fifteen years' working of the Act of 1899, and some new provisions have been introduced dealing with matters of municipal administration which are not provided for by the existing law.

II.—In accordance with the method now almost invariably followed in England in the case of legislation of a similar nature, it is proposed in the Bill to rearrange the provisions of the existing Act so as to confine the Chapters, for the most part, to substantive principles of law and to relegate those provisions which deal with subordinate matters of administration to Schedules, or, in the less important cases, to by-laws. A not inconsiderable portion of the provisions contained in the Chapters of the existing Act deal mainly with administration and relate to the purely executive functions of the Chairman or other municipal authorities and officers (*e.g.*, those provisions which relate to drain and water-main laying, building, regulation of streets, lighting, conservancy, inspection of premises, etc.), and the opportunity has been taken, wherever possible, either to insert such provisions in the respective Schedules dealing with their subject-matter or to relegate them to by-laws. Wherever it is proposed so to relegate provisions of the existing Act to by-laws, power has been taken to bring those provisions into force as by-laws. This method of rearrangement will have this advantage that provisions dealing with matters of administration, by being confined to rules in Schedules or to by-laws, can be readily altered or added to (without an amendment of the Act) by notification by the Local Government in the case of Schedules and by amendment by the Corporation in the case of by-laws. It may further be noted that in rearranging the provisions of the existing Act it has likewise been found convenient to include in one Chapter provisions now contained in separate Chapters of the Act (*e.g.*, provisions dealing with lighting, scavenging, public bathing and washing).

III.—The provisions in the Bill relating to the appointment of a Municipal Commissioner to replace the Chairman as an executive authority are modelled on those in force in Bombay. The Commissioner will have the right of attending all meetings both of the Corporation and of Committees and of taking part in the discussion, but he will not have the right to vote. In view of the position of the Commissioner as the chief executive authority of the municipality, it is proposed to abolish the post of Vice-Chairman, which will no longer be necessary. It is also proposed that the Commissioner and the Deputy Commissioner shall carry on the purely administrative work and

that the Corporation shall elect a President to preside at their meetings and a Vice-President to preside at meetings in the absence of the President. The various Committees will also respectively elect their own Presidents and Vice-Presidents.

IV.—It is proposed to increase the numbers of the Corporation from fifty to seventy-five, thus reverting to the numerical strength which existed prior to the passing of the existing Act. Plural voting will be abolished in order to make the constitution of the Corporation more democratic. At the same time care has been taken to provide for the representation of all classes of the community, and in particular of the Mahomedans, who, though comprising slightly over a quarter of the population of the city, are practically unrepresented at present, except through Government nominees, owing to the disproportionate smallness of their voting power as compared with that of the other communities. In five wards the Mahomedan population is greater than that of all the other communities together, but in every ward they are in a substantial minority as regards voting power. It is, therefore, proposed to constitute an entirely separate Mahomedan electorate which will return nine Mahomedan Councillors. The large and growing Marwari community will also be given two representatives, to be appointed by the Marwari Association; and European interests will be safeguarded in the enlarged Corporation by an increase of two in the representatives of the Bengal Chamber of Commerce and of one in those of the Calcutta Trades Association. This increase will involve a reduction of three in the number of Government nominees. Representation has also been granted to the Calcutta University (one representative) and the Bengal National Chamber of Commerce (one representative). The existing and the proposed constitutions are indicated below for purposes of easy comparison :—

Existing.

Elected Commissioners (one for each ward)	...	25
Commissioners appointed by the Bengal Chamber of Commerce	...	4
" " the Calcutta Trades Association	...	4
" " the Port Trust	...	2
" " the Government	...	15
	Total	50

Proposed.

Elected Ward Councillors (25 plus 12 extra representatives for the 12 most populous wards)	...	37
Elected Mahomedan Councillors	...	9
Councillors appointed by the Bengal Chamber of Commerce	...	6
" " the Calcutta Trades Association	...	5
" " the Port Commissioners	...	2
" " the Calcutta University	...	1
" " the Marwari Association	...	2
" " the Bengal National Chamber of Commerce	...	1
" " the Government	...	12
	Total	75

V.—The abolition of the General Committee as a co-ordinate municipal authority has been advocated for many years by the Corporation themselves. This Committee at present occupy a position midway between that of the Chairman, as the executive authority, and that of the Corporation, as the deliberative assembly directing the general policy of the administration. Many of their functions are executive or semi-executive, and their powers are considerably wider than those of the Standing Committee in Bombay. It is proposed to hand over those powers of the General Committee which are of a purely executive nature to the Municipal Commissioner, the other functions

being absorbed by the Corporation. The result of this distribution of authority will be that the Commissioner will have extensive powers of dealing with matters of sanitation and city-improvement which will affect the interests of householders and other private individuals. It is considered desirable that a right of appeal should be granted to persons affected by the exercise of the more important of the Commissioner's powers, and it is therefore proposed to constitute two separate Appeals Committees to hear appeals against orders of the Commissioner in two different classes of cases. These Committees will be—

- (1) the General Appeals Committee which will consist of seven Councillors (of whom not more than four shall be elected Councillors) to be appointed annually by the Corporation to hear appeals in cases (other than cases arising out of the application of the building rules) in which an appeal to that Committee is expressly provided for in the Bill, or in any by-law, and
- (2) the Buildings Appeals Committee which will consist of three members (who need not be Councillors) appointed annually—one by the Corporation and two by the Local Government—to hear appeals in cases in which an appeal to that Committee is provided for in the Bill in the Chapter and Schedule dealing with the erection of buildings, or in any by-law relating to the application of the building rules.

It has been thought desirable to provide a separate appellate authority (*i.e.*, the Buildings Appeals Committee) to hear appeals in cases relating to the application of the building rules which are of a technical nature, and to leave it open to the Corporation, as well as to the Local Government, to appoint experts to be members of this Committee. The two Appeals Committees above referred to will take the place of the General Committee only so far as the latter's power to hear appeals is concerned, and will constitute a kind of Court of Equity between the Commissioner and the rate-payers. Their decisions will be final, but they will be in no sense co-ordinate municipal authorities.

VI.—A redistribution of powers between the Corporation and the Municipal Commissioner is necessitated by the abolition of the General Committee. The principle upon which this redistribution has been carried out is that all powers of an executive nature, or which are of such a character as to entail prompt action, are given to the Commissioner, while powers involving general policy or control are made over to the Corporation. The result is a considerable increase in the powers of both authorities, but it is thought that the Corporation will experience no difficulty in exercising their extended powers through the agency of Standing and Special Committees, and that the existence of a right of appeal in all important matters should effectively check any undue concentration of authority in the Commissioner.

VII.—It is proposed to amplify the provisions contained in section 96 of the existing Act relating to the appointment of Special Committees. The Bill provides for the appointment of two kinds of Committees, namely, Standing Committees and Special Committees. The Corporation are authorized to delegate any of their powers, duties or functions to Standing Committees. These Committees will deal with all matters comprised in their delegation as they arise, and their proceedings, when confirmed by the Corporation, will become resolutions of that body. Special Committees are intended to be appointed to inquire into and report upon specific matters which may arise in the course of the administration and they will confine their inquiry to such matters. They will ordinarily deal with important questions in which a full inquiry is necessary, while the Standing Committees will deal with matters of ordinary administration. With regard to Standing Committees, however, certain special provisions have been introduced. The number of members of such committees is limited to ten, and no Councillor may be a member of more than two Standing Committees or the President of more than one. The object of these provisions is to induce Councillors to take a special interest in some particular branch or branches of the administration, and thus to

enhance the efficiency of the work done by these Committees. It should be remembered that the importance of the Standing Committees will be considerably increased owing to the abolition of the General Committee.

VIII.—Under the existing Act the different municipal rates are levied as one consolidated rate, but the various funds are nevertheless kept distinct. This only leads to complications in the accounts without producing any corresponding advantage. The Bill provides for the amalgamation of the four existing funds, and for only one consolidated rate which will not exceed the maximum of 23 *per cent.* on the annual valuation as at present levied under Chapter XII of the existing Act.

A special procedure will be adopted, as in Bombay, for the assessment of Government buildings and lands.

IX.—Two changes of some importance are proposed in Chapter XIII of the existing Act relating to the tax on carriages and animals. It is proposed to introduce a tax on dogs. The tax proposed is Rs. 2 per annum, and is intended to act more as a check upon the growing nuisance of ownerless dogs than as a means of revenue. An increase is also proposed (in the connected Schedule—No. VII—) in the tax on motor cars, making the amount payable on all cars of approximately 12 horse-power, or over, the same as that payable on a carriage and pair of horses.

X.—Some additional provisions have also been introduced with regard to the registration of carts. Under the present law road-trains, steam-lorries and similar vehicles pay the same tax as bullock carts, namely, Rs. 4 every half year. It is proposed to raise this tax to Rs. 24 for all vehicles (which come under the definition of "cart") propelled by mechanical power and Rs. 12 for trailers drawn by such vehicles. Provision has also been made to prescribe by means of by-laws a *minimum* width for the tyres of carts and to increase this width proportionately to the load. It is also provided that all cart drivers must be registered and must have a number assigned to them. This is intended to check the large number of thefts from carts which have lately been complained of by the Bengal Chamber of Commerce and other mercantile bodies. These thefts cannot be traced to anyone at present, and it is thought that registration will facilitate the identification of drivers of carts from which thefts occur.

XI.—The provisions of Chapter XXIII of the existing Act, relating to streets and public places, have been revised with a view to distinguishing more clearly between the "street alignment" and the "building-line."

XII.—Two points deserve mention in connection with the regulation of buildings. In accordance with the recommendation of the Corporation, provision has been made for the licensing of Building Surveyors. No plan of a proposed new building will be sanctioned unless it is prepared and signed by a Licensed Building Surveyor, and the construction of all buildings costing Rs. 5,000 or upwards must be supervised by a Licensed Building Surveyor or by a person approved by the Commissioner. It is also proposed to allow an appeal to the Buildings Appeals Committee against practically all orders of the Commissioner relating to the building rules. Under the existing law the appellate power in such cases has frequently been abused, in that there has been a tendency to relax the rules in almost every case. Having regard, however, to the constitution of the proposed Buildings Appeals Committee, which is to be a more or less expert body, it is thought desirable to enlarge the right of appeal.

XIII.—The development of building-sites which, owing to size or shape or to the want of road frontage or proper means of access, are unsuitable for building upon, is to a certain extent provided for by sections 364 to 366 of the existing Act, but there are so many practical difficulties in the way that these sections have never actually been worked. In Bombay the important question of the development of building sites is dealt with in a separate Act (see Bombay Act I of 1915) on the lines of the Housing, Town-planning, etc., Act 1909 (9 Edw. 7, c. 44), and it is thought that it will be best to deal with building-sites in Calcutta in a separate Bill drawn on somewhat the same

lines. It is proposed, therefore, to omit altogether from the present Bill the provisions of sections 364 to 366 of the existing Act.

XIV.—The question of food adulteration is dealt with in the Bill in a more comprehensive manner than has been attempted hitherto. A definition of “adulterated” has been inserted in clause 3, and it is made an offence to sell, expose for sale, manufacture or store for sale any article of human food which comes within that definition. Besides this, clause 425 makes special provision for the regulation of the sale of milk, *ghee*, mustard oil and any other article of food or any drug which may hereafter be notified in that behalf by the Local Government. A strict standard of purity is prescribed in respect of each of these articles, and it is made an offence to sell, expose for sale, manufacture or store for sale anything which falls short of this standard. Food adulteration has reached alarming proportions in Calcutta and the existing law has entirely failed to check it. In the interests of the public health it is considered necessary to have recourse to more drastic legislation, and in particular to provide for the purity of the main staple articles of food which appear to be most liable to adulteration.

XV.—Every change of any importance which it is proposed to make in the existing law is explained in detail in the subjoined Notes on Clauses, it being thought desirable, in the case of a measure of this magnitude and importance, to afford the Council the fullest possible assistance in its consideration. A Table has also been prepared and annexed to the Bill showing which provisions of the existing Act have been omitted from the Bill and giving brief reasons for such omissions. The Table also indicates where the provisions of the existing Act which have been retained are reproduced in the Bill.

S. P. SINHA,

Member in charge

CALCUTTA;

The 14th November, 1917.

A. M. HUTCHISON,

Secretary to the Government of Bengal and

Secretary to the Bengal Legislative Council.

NOTES ON CLAUSES.

CHAPTER I.

Clause 1.

Sub-clause (3), Proviso, reproduces the corresponding provision in section 1 (3), proviso, of Bengal Act III of 1899, as originally enacted. It is necessary that a general election and appointment of Councillors should be held and made in good time before the 1st April on which the Act comes into operation, so that the new Corporation may be fully constituted by that date. The subject-matter of the proviso would not be covered by section 23 of the Bengal General Clauses Act, 1899. Ben. Act I of 1899.

Clause 2.

Sub-clause (1) formally repeals the Calcutta Municipal Act, 1899, and the Calcutta Municipal (Loans) Act, 1914, which amended that Act. Ben. Act III of 1899.
Ben. Act IV of 1914.

Sub-clause (2) is a saving clause which is necessitated by the fact that section 25 of the Bengal General Clauses Act, 1899, does not cover all the requirements of the present case. Ben. Act I of 1899.

Clause 3.

Sub-clause (1) defines the term "adulterated" in relation to food and drugs, there being no such definition in the existing law. The new definition is inserted with reference to the new and more stringent provisions as regards the manufacturing, storing and selling of articles of food and drugs in Chapter XXIX of the Bill. (*See paragraph XIV of the Statement of Objects and Reasons.*)

Sub-clause (2) introduces a definition of "assessment book." Since the term is used frequently throughout the Bill it is desirable to have a definition in this clause.

Sub-clause (5) inserts a definition of the term "building," the absence of which in the existing law has given rise to much difficulty in interpreting the building rules and regulations. The definition is based on the definition of "building" in section 3 (s) of the City of Bombay Municipal Act, 1888. Bom. Act III of 1888.

Sub-clause (6) amends sub-clause (3) of section 3 of the existing Act so as to cover the case of projected public streets referred to in clause 327 and following clauses.

Sub-clause (8).—The definition of "bustee" has been made wider than in the existing law, and the definition of "bustee land" has been omitted for reasons explained in the note on clause 176, *post*.

Sub-clause (12) defines the phrase "the Commissioner" which occurs very frequently throughout the Bill.

Sub-clause (14) inserts a definition of "connected-urinal" on the lines of the definition of "connected-privy" in the existing Act.

Sub-clause (18) defines the phrase "Deputy Commissioner."

Sub-clause (24) defines the term "food" for the purposes of the provisions dealing with food and drugs. The definition is taken from section 26 of the English Sale of Food and Drugs Act. 62 & 63 Vict., c. 51.

Sub-clause (26) introduces a definition of "half-year." The financial year, as defined in section 3 (16) of the Bengal General Clauses Act, 1899, is the standard of time governing the business transactions of the Corporation. Ben. Act I of 1899.

Sub-clause (29) now makes it clear that the walls of a hut are "material portions" thereof.

Sub-clause (36) inserts a definition of "new building" which is based on the definition of the same term in the London Building Act. This definition takes the place of the definition in the existing Act of the term "re-erect" which has given rise to much difficulty in interpreting the building rules and regulations. 57 & 58 Vict.
c. cccxiii.

Sub-clause (38) makes an amendment in the definition of "occupier" so as to cover the case of an owner using his own building as a factory or other place of business.

Sub-clause (43) amends the definition of "private street" in the existing Act so as to meet the case of an owner who divides up his land into separate plots for building purposes. The terms "square" and "court" are omitted since they are not properly included in this definition.

Sub-clause (45).—The terms "square" and "court," which occur in the definition of "public street" in the existing Act, have been omitted for the same reasons as in the case of the definition of "private street."

Sub-clause (47) introduces a definition which is necessitated by the passing of the Bengal Medical Act, 1914. Ben. Act
of 1914.

Sub-clause (51) inserts a definition of "service-urinal" on the lines of the definition of "service-privy" in the existing Act.

Sub-clause (57) inserts a definition of "year" on the same lines as the definition of "half-year."

CHAPTER II.

Clause 5.

This clause provides for the replacement of the Chairman of the Corporation as a municipal authority by the Municipal Commissioner, for the abolition of the General Committee and for the constitution of two Appeals Committees, *viz.*, the Buildings Appeals Committee to hear all appeals from orders of the Commissioner passed under the building rules and regulations, and the General Appeals Committee to hear appeals in all other cases. (See paragraphs I, III and V of the Statement of Objects and Reasons.)

Clauses 6 to 8.

These clauses deal with the constitution of the Corporation, which has already been explained in the Statement of Objects and Reasons. (See paragraph IV thereof.)

Clauses 9 and 10.

These clauses provide for the constitution of the General Appeals Committee and the Buildings Appeals Committee, respectively, and the terms of office and the filling up of casual vacancies amongst the members of the said Committees.

Clause 12.

This clause provides for the payment to the Municipal Commissioner of a consolidated salary including house-rent allowance. The provision in section 12 (2) of the existing Act as to providing him with an official residence is, therefore, omitted in the Bill.

Clause 14.

This clause reproduces section 14 of the existing Act, but the provisions making it obligatory on the Corporation to devote not less than certain fixed sums of money every year to the extension of drainage, the improvement of *bustees* and the development of the added area have been omitted as these matters have now received their full share of attention and it is not considered necessary to impose any further special obligations in respect of them. The objects to which the Corporation may devote their funds have, at the request of that body, been specified in greater detail.—See sub-clauses (iv), (v), (vi), (vii), (viii), (ix) and (xv) of this clause.

Clauses 15 and 16.

These clauses provide for the functions and duties of the General Appeals Committee and the Buildings Appeals Committee, respectively, and the procedure to be followed in preferring appeals to each of those bodies.

Clause 17.

Sub-clause (c).—The power of the Commissioner to take action in cases of emergency has been made somewhat more elastic in order to provide for emergencies in which it is essential that the Commissioner should take prompt action, but which are not covered by the provisions of section 15(c) of the existing Act.

Clauses 18 and 19.

These clauses reproduce sections 16 and 17 of the existing Act with such consequential amendments as are required by the abolition of the General Committee. It will be observed that clause 19 now merely provides that the Corporation shall "consider" the annual report.

Clause 20.

The power of the Commissioner to delegate his authority has been slightly extended. It has been found, in working the existing Act, that the centralisation of power beyond a certain degree does not tend to promote efficiency, as the Chairman is so overburdened with duties that he is

unable properly to scrutinise the matters which come before him for orders with the result that the restrictions imposed on his power to delegate his functions defeat their own object. Since rules in Schedules may be altered or added to by the Local Government at any time, and since certain of the sections or sub-sections included amongst the exceptions mentioned in section 18(1) of the existing Act have in the Bill been relegated to Schedules or to by-laws, it has also been found necessary in this clause to except by-laws or rules which expressly prohibit delegation by the Commissioner. In proviso (e) to this clause, which reproduces the provisions of proviso (c) to section 18 of the existing Act, it is thought desirable to remove the somewhat fictitious distinction between "subject to the approval of " and "with the sanction of " the Corporation and to use only the latter phrase. It is proposed to make this change in all cases where the approval or sanction, or both the approval and sanction, of the Corporation is or are required under the existing Act.

Clause 22.

The minimum cost of any project requiring Government sanction before any work can be commenced in pursuance thereof, is now fixed at 2½ lakhs, instead of 1 lakh as in the existing Act.

Clause 26.

The existing section has been modified in consequence of the amalgamation of the existing rates and the provision of one consolidated rate. (*See paragraph VIII of the Statement of Objects and Reasons.*)

CHAPTER III.

Clause 27.

This clause provides for the appointment by Government of a Deputy Municipal Commissioner, whose duties and functions will, in every way, correspond with those of the Deputy Chairman under the existing Act.

Clause 28.

This clause reproduces section 27 of the existing Act, but all references to the Vice-Chairman have been omitted since it is proposed to abolish the post of Vice-Chairman. Similarly in other provisions of the existing Act which are reproduced in the Bill, references to the Vice-Chairman are omitted. (See paragraph III of the Statement of Objects and Reasons.)

Clause 30.

This clause combines sections 29 and 30 of the existing Act. Although it may be improbable, that, at the outset, the Commissioner and Deputy Commissioner will be other than Government servants, it is not necessary that they should be so; and, if they are not, it is expedient to empower the Corporation to grant these officers a pension if they desire to do so.

The amount of such pensions, gratuities and compassionate allowances, and the conditions of their grant, shall, in no case, except with the special sanction of the Government of India, be more favourable than those which apply to Government servants of similar standing and status.

Clause 31.

Sub-clause (2) is intended to cover the case of any office which the Commissioner or the Deputy Commissioner is required or permitted to hold under the provisions of other Acts (e.g., the office of a Trustee under the Calcutta Improvement Act, 1911).

Bom. Act V
of 1911.

Clause 35.

Sub-clause (2), proviso, makes it clear that when the Commissioner or Deputy Commissioner is a Government officer, the leave-allowances of such officer shall be paid by the Government and the Corporation according to the proportions fixed by the Civil Service Regulations in the case of Government officers who are on "foreign service."

Clause 36.

This clause gives the Commissioner the right to attend any meeting of the Corporation and of the municipal committees and to take part in their discussions, but not to vote. In Bombay, the Municipal Commissioner has similar powers.

CHAPTER IV.

Clause 37.

This clause provides for the preparation and publication of separate election-rolls for the election of Ward Councillors and that of Mahomedan Councillors, the two being quite distinct. (*See Notes on Clauses 38, 48 and 49.*)

Clause 38.

This clause reproduces the existing voting qualifications with one addition, *viz.*:—that the owners of huts in *bustees* valued at Rs. 200 *per annum* or upwards have been given the right to vote. The election of Ward Councillors will be quite separate from that of Mahomedan Councillors, and Mahomedans will not be entitled to vote at Ward elections. (*See paragraph IV of the Statement of Objects and Reasons*). Sub-clause (3) amends sub-section (3) of section 37 of the present Act so as to entitle an association of individuals to vote only by a representative but not to be enrolled in the election-roll. Rule 8 in Schedule V provides for the manner in which such an association may be represented on the Ward election-roll or the Mahomedan election-roll, as the case may be. The change made in sub-clause (iii) is consequential upon the introduction into the Bill of the definition of the word "year", which means "financial year."

This clause also abolishes plural voting and provides that notwithstanding the number of qualifications which a voter possesses his name shall be entered in the electoral roll of only one ward. It also provides that in the case of a ward where more than one Councillor is to be elected a voter may not give more than one vote to any one candidate.

Clauses 39 to 41.

These clauses provide for—

- (i) the election by a ward voter, who is qualified to vote in more than one ward, of the ward in which he desires to be enrolled,
- (ii) the determination by the Commissioner, in the case of an elector who fails to elect, of the ward in which the elector shall vote,
- (iii) the prevention of transfer of the names of ward voters from one electoral roll to another, except at the time of the revision of the electoral roll.

Clause 42.

Under the existing law, the representative of a company or other association of individuals can obtain the vote or can qualify to be elected as a Councillor either by having his name inserted in the election-roll as representing such company or association of individuals, or by producing a power of attorney. It is proposed to abolish the latter alternative and merely to require such representatives to have their names inserted in the election-roll, subject to the provisions of Schedule V.

Clauses 43 and 44.

These clauses reproduce section 43 of the existing Act, but it has been thought desirable to omit the provisions of sub-section (2) of that section which empowers Government to alter the boundaries of Wards. An alteration of boundaries would affect not only the elections but also the assessment periods and would give rise to many difficulties.

Sub-section (4) of section 43 has also been omitted.

Clauses 45 to 49.

These clauses provide for the separate election of Mahomedan Councillors according to districts. It is proposed that these elections should be conducted on the same lines as the Ward elections, except that both the electors and the candidates must be Mahomedans. The elections will be held according to the four districts which are recognised for administrative purposes at present, the number of Councillors to be elected for each district being prescribed in Schedule IV according to the proportion of Mahomedans residing in the district. Clause 47 empowers the Local Government to alter Schedule IV as to boundaries of districts and the number of Councillors to be elected. This power is very necessary in view of the possibility of changes in the Mahomedan population of a district.

Clause 50.

The words "or by the Corporation" in this clause, which corresponds to section 52 of the existing Act, are new.

Clause 54.

Proviso (c).—This is a new provision, the object of which is to prevent unsuccessful candidates from going behind the election-roll and voters' list. Ample opportunity is given in the rules contained in Schedule V for the lodging of objections to any entry in the voters' list.

Clause 57.

This clause reproduces section 59 (1) of the existing Act, but the wording has been altered in view of the proposed changes in the prescribed number of Councillors to be elected for each ward or district.

Clause 58.

This clause reproduces the provisions of section 59 (2) of the existing Act with an addition made for the purpose of applying those provisions to appointments made by associations and other bodies. There is nothing in the present law to prescribe the time when such appointments shall be made and the date from which they shall take effect.

Clause 59.

This clause reproduces the provisions of section 39 of the existing Act, but the disqualifications have been extended in that they will now include minors under twenty-one years of age and licensed building surveyors.

Clause 60.

This clause reproduces the provisions of section 40 of the existing Act, but introduces a new sub-clause (c) providing that no Councillor shall be retained in any professional capacity as advocate, attorney, pleader or *mukhtear* in any case to which the Corporation is a party. This embodies a principle which was adopted in a resolution of the Corporation several years ago, but has since become a dead letter.

Clause 62.

Sub-clause (1) reproduces section 60(2) of the existing Act, with an alteration of the wording which is intended to make it quite clear that every Councillor appointed or elected under the new Act (except for the purpose of filling a casual vacancy) will hold office for a term of 3 years.

CHAPTER V.

Clause 65.

This clause amalgamates the provisions of sections 63 and 64 of the existing Act but removes the restriction by which certain appointments and the limits of certain salaries were subject to the approval of the Local Government.

Clause 66.

Sub-clause (4) introduces a new provision empowering the Commissioner to make temporary appointments of officers and servants, subject to certain conditions. Such appointments are, in practice, sanctioned by the Chairman at present, and they will of course be subject to the condition that the budget-grant must not be exceeded.

Clause 71.

This clause reproduces section 70 of the existing Act, with the wording altered so as to give Government a wider power of control in the matter of the dismissal of the Chief Engineer and the Health Officer, and to limit the right of appeal against dismissal to officers drawing a salary of more than Rs. 300 per month. This last provision is based on section 83(a) of the City of Bombay Municipal Act, 1888.

Bom. Act III
of 1888.

Clause 74.

The existing law has been amplified by providing the Corporation with power to make rules for the grant of compassionate allowances and gratuities to the families of deceased municipal officers and servants, and of deputation allowances to municipal officers and servants on the establishment.

The amount of pensions, gratuities and compassionate allowances, will in no case except with the special sanction of the Government of India be more favourable than those given to Government servants of similar standing and status.

Clause 77.

This clause adds to the provisions of section 76 of the existing Act by providing for contributions to a Provident Fund. The term 'family' has also been defined for the purposes of this Chapter, the definition followed being that in force in the Civil Service Regulations (Article 740).

CHAPTER VI.

Clause 78.

At all meetings of the Corporation, according to the proposed changes in the constitution, the President is to replace the Chairman, and this clause provides that all meetings of the Corporation save those referred to in clause 79, are to be convened by him.

Clause 79.

This clause is taken from section 36 of the City of Bombay Municipal Act, 1888. It is necessary that the first meeting of a new Corporation, before the President has been elected, should be convened by the Commissioner. Bom. Act of 1888.

Clause 80.

This clause provides for the election of a President and Vice-President of the Corporation, and for the filling of vacancies. It follows the Bombay precedent.

Clause 83.

The same powers are given to the President and the Vice-President, when presiding at the meetings of the Corporation, as are now enjoyed by the Chairman under the existing section 81.

Clause 84.

In view of the increase in the numbers of the Corporation, the quorum for meetings has been raised to the number prescribed under the Calcutta Municipal Consolidation Act, 1888, when the Corporation consisted of 75 members, as is now again proposed in the present Bill. Bom. Act of 1888.

Clauses 88 and 90.

The abolition of the General Committee has necessitated a re-distribution of the powers given in sections 86 and 88 of the existing Act. It is proposed that the Commissioner should deal with all contracts and tenders up to five thousand rupees, and the Corporation with those above that amount. Sub-clause (5) of clause 90 empowers the Corporation to dispense with calling for tenders in special cases on the lines of section 72 (3) of the City of Bombay Municipal Act, 1888. The want of such a power has often been felt by the Corporation. Bom. Act of 1888.

Clauses 92 to 96 and 97.

These clauses provide for meetings of the General Appeals Committee and the Buildings Appeals Committee, respectively, the quorum at such meetings, the appointment of a Chairman of each Committee, the transaction of business by voting and the making of rules to regulate the conduct of business at meetings. Clause 97 provides for the fees to be paid to members of the latter Committee. These clauses are on the lines of sections 90 to 94 of the existing Act which relate to the General Committee and which, in view of the proposed abolition of that body, will no longer be needed.

Clauses 98 and 99.

These clauses take the place of sections 95 and 96 of the existing Act and provide for the constitution of Standing and Special Committees, as explained in paragraph VII of the Statement of Objects and Reasons.

CHAPTER VII.

Clause 104.

It is proposed to amalgamate the different Municipal Funds prescribed by section 103 of the existing Act and to have only one consolidated rate instead of the several rates which are now levied as one consolidated rate. (*See paragraph VIII of the Statement of Objects and Reasons.*)

Clause 106.

This clause provides that all moneys payable to the credit of the Municipal Fund shall be paid into the Bank of Bengal.

Clause 107.

Sub-clause (1) increases the number of persons authorized to sign cheques on behalf of the Corporation.

Sub-clause (3) reproduces section 112(3) of the existing Act with this modification, that the limit of Rs. 1,000 as regards the drawing of cheques is omitted. The placing of such a limit has been found to cause unnecessary trouble in making payments.

Clause 108.

Sub-clause (2) places beyond the possibility of doubt the legality of the payment of the Calcutta Improvement Trust contribution, which has been doubted in some quarters.

Clause 109.

Sub-clause (g).—This new sub-clause is added to cover sums payable by the Commissioner as compensation under any rule or by-law made under this Act.

Clause 113.

The wording of section 119 of the existing Act has been modified. The investment and deposit of surplus cash will be left in the hands of the Commissioner.

CHAPTER VIII.

Clause 115.

This clause corresponds to section 121 of the existing Act, but the drafting has been altered owing to the proposed abolition of the General Committee and other constitutional changes. The provisions of this clause have also been made more comprehensive in view of the omission of the provisions of sections 122, 123, 124 and 125 of the existing Act, which are no longer required since the General Committee are to be abolished. It is also proposed to increase the minimum closing balance to six lakhs as that sum has been found necessary to meet ordinary liabilities, and this has accordingly been provided for in clause 116.

CHAPTER IX.

Clauses 118 to 139.

This Chapter reproduces Chapter X of the existing Act as substituted by the Calcutta Municipal (Loans) Act, 1914, with the necessary modifications resulting from the changes in the municipal constitution or in other points of detail which are proposed in this Bill. In accordance with the policy adopted throughout the Bill, all provisions in the existing Act requiring that certain matters shall be referred to "special meetings" of the Corporation have been omitted.

Ben. Act IV
of 1914.

CHAPTER X.

Clauses 140 to 144.

These clauses reproduce sections 142 to 146 of the existing Act with such modifications as are necessary owing to the abolition of the General Committee and other constitutional changes. No provision need now be made for the payment of auditors (*see* section 143 (3) of the existing Act), as the audit of the municipal accounts is now conducted by the Accountant-General free of charge.

CHAPTER XI.

Clauses 145 and 146.

The changes made in the provisions of sections 147 and 148 of the existing Act and the omission of the provisions of section 149 of that Act are due to the amalgamation of the separate funds. The reduction of the water-rate under the proviso to section 147 of the existing Act is negligible, being estimated at only '01 per cent. The proposed changes have been explained in detail in paragraph VIII of the Statement of Objects and Reasons.

Clause 147.

Power has been taken by the Local Government in sub-clause (2) to direct the exemption of open spaces and parade grounds, being the property of Government, from the consolidated rate.

Sub-clause (4) reproduces section 150 (3) of the existing Act, but it is proposed to dispense with the control of the Local Government in the matter of exempting certain buildings and land from the consolidated rate.

Clause 148.

Proviso (ii) reproduces section 151 (ii) of the existing Act with modifications which are intended to meet the contention that lifts or electric fittings are machinery and should therefore be excluded from the valuation of a building.

Clause 149.

The opportunity has been taken to modify the provisions of section 152 of the existing Act considerably. Sub-section (1) of that section has been recast so as to save and continue valuations made under the existing Act, and the word "districts" has been replaced by the word "wards" in this clause. This last change merely follows the existing practice, as the "districts" for assessment purposes have always been the wards. As a result of the changes made in this clause, Schedule VII of the existing Act will no longer be necessary. Sub-clause (2) has been inserted to provide for the valuation of the new areas which it is proposed to include in Calcutta. Again in sub-clause (4) (a) it is proposed to omit the reference to "lands that are waste or are used for agricultural purposes." There is no reason why such lands should be revalued within the six-yearly period, and in practice such intermediate valuations are never made. Sub-clause (4) (d) has been introduced with a view to providing for the valuation of any new building erected during the currency of the assessment period. The provision for such valuation is not very clear in the existing Act.

Clause 151.

As mentioned in the note on clause 149, the "districts" prescribed by section 154 of the existing Act have, in practice, always been the wards. This clause therefore provides that the valuations shall be carried out by wards. For the same reason, 'ward' has replaced 'district' in clause 154.

Clause 153.

The corresponding section 156 of the existing Act does not provide for all the details which are necessary in order to arrive at a correct valuation to be entered in the return. This deficiency has been made good.

Clause 155.

There is very little advantage in differentiating between the case of *bustees* and other lands and buildings so far as the question of the notice to be given when the assessment is increased is concerned, and *bustees* have therefore been included in clause 155. The removal of this distinction has also necessitated a consequential change in the provisions of section 160 (2) of the existing Act, which are reproduced in clause 156 (2).

Clause 160.

Sub-clause (1) (c).—Under the existing law the names and places of abode of persons primarily liable to pay the consolidated rate have to be entered in the municipal assessment-book. The proposed sub-clause renders

the underlying intention quite definite by specifically requiring the entry in the assessment-book of the names and places of abode of owners and of the names only of occupiers.

Sub-clause (2) prescribes the municipal assessment-book. A definition of "assessment-book" has been inserted in the Bill. [See note on clause 3 (2).]

Clause 162.

This clause is based upon section 149 of the City of Bombay Municipal Act, 1888. In order to prepare a correct election-roll, and also for many other reasons, it is necessary that the assessment-book should be kept correct up to date, and it is considered that little hardship will be entailed in requiring that all transfers of title in immovable property should be reported to the Commissioner. Bom. of 1881

Clause 164.

This clause reproduces the provisions of section 169 of the existing Act, but the wording has been modified with a view to make the intention clearer.

Clauses 168 and 169.

The wording of sections 173 and 174 of the existing Act, has been simplified, but without any substantial change in their purport.

Clause 171.

This clause reproduces section 176 of the existing Act, but it is thought desirable to calculate the period of limitation from the date of payment instead of from the date on which notice is given. The present procedure has proved unworkable, and is also unfair in some cases.

Clause 172.

This clause is taken from section 152 of the City of Bombay Municipal Act, 1888. Under the existing law remission of rates is granted for the period during which a holding is unoccupied, and it is very difficult for the Corporation to know when it is re-occupied unless the owner is required to give notice of the fact. A clause to this effect is considered to be very necessary to prevent loss of rates. Bom. of 1881

Clause 173.

The language of the existing section has been considerably simplified without however altering its provisions.

Clause 174.

This clause, which corresponds to section 178 of the existing Act, has been made to apply to "land" as well as to buildings.

Clause 176.

This clause reproduces section 180 and part of section 182 of the existing Act, with modifications. It is proposed to abandon the practice of assessing masonry buildings in a *bustee* as *bustee* holdings, and to value them under the ordinary provisions relating to the valuation of buildings. Under the existing law "*bustee land*", as defined in section 3 (6), excludes any portion of a *bustee* in which the owner of the land is also the owner of a hut. This gives rise to difficulty when the huts of the tenants fall, as they occasionally do, into the hands of the landlord. In the Bill, the above definition is not included, and it is therefore necessary to provide in this clause that the deduction of one-eighth from the rate should not be allowed in case of huts owned by the landlord of the *bustee* as that deduction is intended to be allowed for the expense and possible loss involved in collecting the hut-owner's share of the rates. Sub-clause (2) is taken from section 182 of the existing Act, which it is proposed to omit from the Bill.

Clause 179.

This clause reproduces section 185 of the existing Act, but the portion relating to provisional registration is omitted as it has been found that such registration is never resorted to in practice.

Clause 181.

This clause corresponds to section 187 of the existing Act and, with the exception of the provisos, the changes made are purely verbal and have been inserted merely with a view to render the intention clearer. The provisos are new and are intended to cover the case of a holding which is sub-divided or amalgamated on re-valuation. Such cases were apparently not contemplated when section 187 of the existing Act was originally enacted, but it is most necessary that they should be provided for. The course proposed is that the rate should be paid on the new valuation pending the determination of the objection, and, if it is reduced on the objection being decided, a refund of the excess should be made.

Sub-clause (3) contains provisions similar to those obtaining in Bombay determining the manner in which the amount of money due to the Corporation in lieu of the consolidated rate on account of Government buildings and lands shall be ascertained.

CHAPTER XII.

Clause 188.

This clause reproduces section 188 of the existing Act with one amendment. The exemption, by clause (a) of section 188, of carriages, none of the wheels of which exceed 24 inches in diameter, from the payment of the tax on carriages has operated to exclude motor-cars and other similar vehicles having wheels which do not exceed 24 inches in diameter. As, however, there are no grounds for the exemption of such cars, it is desirable that the provisions of the above-mentioned clause should be repealed.

Clause 185.

Sub-clause (2), proviso.—This proviso has been added with the object of making it clear that the tax leviable in respect of carriages and animals is not to be levied over again in any one half-year should such carriages or animals change hands during that period.

Clause 190.

This clause reproduces section 196 of the existing Act, with some verbal alterations made with a view to make the intention clearer.

Clauses 191 and 192.

These clauses introduce new provisions for imposing a yearly tax on dogs. These provisions are much the same as those relating to the tax on carriages and animals, except that the license will be an annual one and all licensed dogs will be required to carry a number-ticket. (See paragraph IX of the Statement of Objects and Reasons.)

CHAPTER XIII.

Clause 193.

This clause reproduces section 198 of the existing Act, the wording of which has been altered so as to get rid of the separate references to "persons" and "associations" in view of the definition of "person" in section 3(32) of the Bengal General Clauses Act, 1899, which includes companies and associations. A similar change has been made in other clauses where the word "person" occurs. The first proviso is new and is designed to meet the contention that the grant of a license under section 198 is some sort of guarantee that the licensee will not be required to secure any other license which he may be required, under other sections of the existing Act, to take out in order to enable him to carry on his business in the manner in which he desires. The tax on trades and professions is merely a means of raising revenue, and the Commissioner is bound, under section 198 of the existing Act, to grant the necessary license; but it was never intended that the grant of such license should exempt the holder from taking out any other license under the law. As, however, the point is sometimes disputed, it is considered advisable to insert in the Bill a provision which will make the position quite clear.

Ben. Act I of
1899

Clause 194.

This clause is the same as section 199 of the existing Act, with the exception that some of the particulars required to be stated in every license under the existing law now form part of the general requirements governing the issue of licenses which are contained in clause 501.

Clause 196.

This clause reproduces section 201 of the existing Act, but it is proposed to make its provisions applicable to owners as well as to occupiers of premises.

CHAPTER XIV.

Clauses 197 and 198.

These clauses reproduce sections 203 and 204 of the existing Act, respectively, but introduce provisions for the levy of the scavenging-tax on account of markets. A very large quantity of refuse accumulates on premises which are used as markets, and the intention of section 203 of the existing Act (read with Schedule IX) evidently was that this scavenging-tax should also be payable in the case of markets; but the reference to the number of animals kept has given rise to the interpretation that such a tax can only be levied in the case of cattle markets. The new provision in these clauses meets this difficulty. In clause 197 it is considered unnecessary to provide for the fixing of any rates other than those prescribed in Schedule VIII, which have been carefully calculated according to the cost of removing the refuse. It is not proposed to retain in the Bill the power to make by-laws for prescribing rates for license-fees which is given by section 203 of the existing Act, or the provisions *re* preparation of half-yearly lists of licensees which are incorporated in section 205 of that Act.

CHAPTER XV.

This Chapter corresponds to Chapter XVI of the existing Act and is almost identical with it. The changes made are purely verbal.

CHAPTER XVI.

Clause 201.

This clause amalgamates the provisions of sections 208 and 210 of the existing Act.

Clause 202.

Sub-clause (1) corresponds to section 209(1) of the existing Act, but it is proposed to provide for an enhanced fee in the case of carts propelled by mechanical power and of trailers drawn by such carts. This is intended to meet the case of motor-lorries and raul-trains, which do a great deal of damage to the roads and which at present pay the same fee as bullock carts. A provision has also been introduced for making a charge of one rupee for the number-plates to be affixed to carts, such fee being returnable if the number-plate is given back in serviceable condition. At present cheap locally-made number-plates are affixed which are frequently imitated. It is proposed, therefore, to use enamelled number-plates in future, which will be more expensive, but which it will be difficult to imitate.

Clause 203.

This clause provides for the registration of cart-drivers and for the assignment of a number-ticket to each driver. The necessity for this has been explained in the Statement of Objects and Reasons. (*See paragraph X thereof.*)

Clause 204.

This clause reproduces the provisions of section 209(4) of the existing Act which it is thought desirable to insert as a separate clause in the Bill.

CHAPTER XVII.

Clause 216.

This clause introduces provisions for the issue of a fresh warrant for the recovery of the balance of the sum due, if the sale proceeds of the property distrained under the original warrant are not sufficient to cover the whole of such sum.

Clause 218.

The provisions of section 223 of the existing Act do not cover the case of a purchaser of a share of any land or building. It is proposed to remedy this defect by extending the provisions of this clause to such purchasers.

Clause 224.

It is proposed to authorize the Commissioner to realize the carriage and horse tax from hackney-carriage owners in the same way as from other owners of horses and carriages. The exception made in section 229(1) of the existing Act with regard to hackney-carriage owners is apparently based upon section 190 of that Act, which provides that hackney-carriages shall not be registered under the Calcutta Hackney-Carriage Act, 1891, until the carriage and horse tax has been paid; but hackney-carriage owners ordinarily keep a certain number of spare horses the tax on which cannot be realized under the provisions of section 190. The provisions of this clause will facilitate the levying of the tax on all horses owned and used by hackney-carriage owners.

Bom. Act II
of 1891.

Clause 228.

This clause corresponds to section 233 of the existing Act, but it has been considered desirable to apply the provisions of certain other sections, besides those already mentioned in sub-section (2) of that section, to the case of a warrant of distress issued for the recovery of certain taxes other than the consolidated rate.

Clause 229.

This clause provides for the seizure of the goods of hawkers who have not taken out a license. This is the only available method of realizing the tax in such cases, as it is impossible to trace these hawkers and to apply to them the ordinary provisions for the recovery of taxes. A similar power is given by section 214 of the City of Bombay Municipal Act, 1888, with regard to vehicles which have not paid toll.

Bom. Act III
of 1888.

Clause 231.

In addition to reproducing the provisions of section 235 of the existing Act this clause provides specifically for striking off the books irrecoverable demands, other than demands on account of the consolidated rate or any other tax. At present the Chairman, in the exercise of his ordinary executive authority, orders such sums as he considers to be irrecoverable to be written off, but it is considered desirable to make specific provision for this in the Bill.

CHAPTER XVIII.

Clause 233.

This clause provides for the continuation of the supply of unfiltered water wherever it is already being supplied, and leaves it to the discretion of the Corporation to extend the supply to any part of Calcutta in which it does not exist.

Clause 234.

This clause combines the provisions of sections 238 and 239 of the existing Act; but the power of the Corporation under the latter section to supply unfiltered water to bathing platforms is done away with, as unfiltered water is considered insanitary for bathing purposes and as filtered water can now easily be supplied to all bathing platforms.

Clause 235.

This clause reproduces the provisions of section 240 of the present Act, but gives the Corporation power to provide hydrants in the filtered as well as in the unfiltered water systems.

Clause 236.

This clause makes it clear that a pressure of not less than 40 feet must be kept up in the municipal mains for the supply of filtered water throughout the 24 hours, though power is given to the Corporation to authorize a lower pressure, if necessary.

Clause 238.

This clause combines the provisions of sections 244 and 245 of the existing Act, but provides for the use of filtered water to extinguish fire in case of emergency.

Clause 240.

This clause reproduces the provisions of section 247 (2) of the existing Act, but the last part of that sub-section is not included as it is considered unnecessary.

Clause 241.

It is proposed to increase the free allowance of filtered water from 4,000 to 5,000 gallons for every rupee of water-rate; but as no separate water-rate is now imposed, the allowance has been calculated on the consolidated rate on the assumption that the water-rate would be six *per cent.* out of a total consolidated rate of twenty *per cent.* This calculation would give a free allowance of fifteen hundred gallons for every rupee paid as the consolidated rate. It is also provided that the free allowance shall in no case be less than twenty, or more than fifty, gallons per head per day, calculated upon the ordinary number of persons residing on the premises. In the case of the poor, a free allowance, based solely on the amount of rates paid, sometimes causes hardship, and it is thought that every person ought to be entitled to at least twenty gallons of filtered water a day irrespective of the rates which he pays. On the other hand, it is considered that fifty gallons per head per day is more than sufficient for anybody, and it is proposed to limit the free allowance to this quantity, even though the valuation of the premises would entitle the occupier to a much larger supply. In the possible contingency of the Corporation hereafter deciding to discontinue the unfiltered water-supply, power is given to the Local Government to increase the free allowance of filtered water.

Clause 242.

This clause permits the occupier of any premises to bring into the premises a supply of filtered water and also of unfiltered water. Under section 249 of the existing Act it is only the occupier of a masonry building who is permitted to have water connection. It is proposed to allow such connections to any premises whether consisting of buildings or open lands or both, with the reservation, as provided in clause 247, that huts shall not be directly connected with the water-supply except for the purpose of flushing privies attached to them.

Clause 245.

This clause corresponds to section 282 of the existing Act which has thus been transposed to a more appropriate position.

Clause 246.

This clause corresponds to section 253 of the existing Act, but the word "premises", as including buildings as well as land, has been substituted for the word "building." In proviso (a) power is given to the Commissioner to pay the cost of connecting any premises with the water-supply under this clause out of the Municipal Fund if the owner is too poor to bear the same.

Clause 247.

This clause introduces provisions to prohibit the direct connection of a hut to the water-supply except for the purpose of flushing a connected-privy attached to the hut. [See note on clause 242.]

Clause 248.

Sub-clause (1), *proviso*, reproduces the proviso to section 254 of the existing Act with the additional requirement that only filtered water is to be supplied in cases where the Commissioner thinks that the supply of unfiltered water may lead to contamination.

Clause 250.

This clause provides for the contingency of the Corporation desiring to discontinue the unfiltered water-supply. No such proposal is actually in contemplation now, but it is undesirable that the Corporation should be legally bound to maintain an unfiltered water-supply, even though it might be more satisfactory to substitute filtered water for it.

Clause 253.

This clause introduces provisions based on section 273 of the City of Bombay Municipal Act, 1888. It is certainly desirable that the Corporation should own and maintain all service water-pipes and fittings in streets, but the expenses and responsibility of maintaining them are considerable. It is desirable, however, that the Corporation should have the power of taking over such pipes and fittings, if they are willing to undertake the expense of maintaining them.

Bom. Act
III of 1888

Clause 255.

It is proposed to give the Commissioner a free hand in the matter of fixing water-meters. In some cases such meters are fixed in whole districts. The provisions of sub-sections (2), (4) and (5) of section 270 of the existing Act have not been included in the Bill. They were inserted in the Act for the purposes of the then proposed block-meter system, which was subsequently abandoned. No occupier ever applies to have a meter attached to his premises, and there is no reason why he should do so.

Clause 256.

This clause reproduces the provisions of section 271 of the existing Act, but introduces new provisions to deal with matters which have given rise to difficulties under the existing law. If there are several separate occupiers in a building it is impossible to ascertain which of them has used more than the allowable quantity of water, and the only method of realizing the excess charge is to make the owner pay it and recover from his tenants. This is provided for in sub-clause (2). Sub-clauses (3) and (4) deal with cases in which there is a change of occupier during a quarter. They make the last occupier liable for the whole excess unless he has had the meter read at the time when he came into occupation.

Clause 258.

This clause is necessary in view of the fact that the rules regulating the use, maintenance and testing, etc., of meters have been transferred to Schedule XIII. (*See paragraph II of Statement of Objects and Reasons.*)

Clause 259.

Sub-clause (1) is taken from section 286 of the City of Bombay Municipal Act, 1888. When a meter, for instance, is tampered with in private premises, it is almost impossible to discover the offenders. It is therefore proposed to provide that the occupier shall be presumed to be liable, until the contrary is proved.

Bom. Act
III of 1888.

Sub-clause (2) merely reproduces the provisions of section 276 (2) of the existing Act, which, it is thought, fall more appropriately into this place.

Clause 260.

This clause reproduces the existing section except that two other municipalities have been added, namely, Panibati and Tollyganj.

Clause 264.

Three new sub-clauses (h), (i) and (j) have been added to the provisions of section 283 (1) of the existing Act. The first explains itself. The second is intended to enable the supply of water to be cut off without 24 hours' notice in cases in which a tap is found missing and the water is running continuously to waste. Such cases are by no means uncommon. The third additional sub-clause enables the Commissioner to cut off the water at once in order to prevent damage to the public street. Provision has also been made in sub-clause (2) of this clause for realizing the cost of restoring the connection as well as that of cutting it off, but it is proposed to exclude from the application of this provision cases in which the connection is cut off in unoccupied premises and in premises declared unfit for human habitation.

CHAPTER XIX.

Clause 271.

This clause amalgamates the provisions of sections 290 and 291 of the existing Act. Power has expressly been given to the Commissioner to carry municipal drains under buildings, as it has been held that "land" in section 290 (1) and (2) of the existing Act means vacant land not occupied by buildings.

Clause 272.

This clause corresponds to section 292 of the existing Act. It is proposed in sub-clause (2) to include the owner of a railway, private street, wall or other structure in the liability for the expenses of removing or otherwise dealing with the same under this clause. This is expedient as the "person offending" may be a contractor or a servant of the owner.

Clauses 281 and 282.

These clauses reproduce the existing sections 301 and 302, but it has not been thought necessary to retain in clause 281 any provisions dealing with the construction of new house-drains seeing that clause 282(1) adequately provides for such constructions. Section 301(3) now appears as clause 282(2). It is to be noted that the owner alone is made liable under these clauses.

Clause 284.

Sub-clause (2) corresponds to section 307 (2) of the existing Act, but further provides that the owner of the land on which a hut stands shall be liable for the cleansing, repair and maintenance of a surface drain constructed to serve such hut.

Sub-clause (3) is intended to meet the contention sometimes put forward that section 307 of the existing Act is the only section which empowers the municipal authorities to deal with the drainage of *bustees* or huts.

Clause 287.

The provisions of section 310 relating to the fees to be levied under the section and the manner of the recovery of such fees have not been included in this clause as they are covered by the general provisions of clauses 501(2) and 529.

Clause 288.

This clause corresponds to section 311 of the existing Act, but it has been amplified on the lines of section 247 of the City of Bombay Municipal Act, 1888, which relates to bathing and washing place accommodation as well as to privy and urinal accommodation for new buildings.

Bom. Act
III of 1888

Clause 289.

This clause corresponds to section 312 of the existing Act, but has been amplified on the lines of section 248 of the City of Bombay Municipal Act, 1888.

Bom. Act
III of 1888.

Clause 290.

This clause lays down that the requisition referred to therein is to be made on the owner of the premises. The occupier is not to be called upon except in the circumstances mentioned in clause 303. (*See note on clause 303.*)

Clause 291.

This clause reproduces, with a few verbal alterations, the provisions of section 314 of the existing Act. It is proposed in the Bill to amalgamate the provisions of Schedules XV and XVI to the existing Act and include them in one Schedule.

Clause 296.

This clause reproduces the provisions of section 320 of the existing Act, but empowers the Commissioner to cleanse or open out any house-drain which is obstructed and to direct that the owner or the occupier shall pay the expenses of the work.

Clause 297.

This clause relates to the position of cesspools and corresponds to section 304 of the existing Act and also to section 325, in so far as that section relates to cesspools. This clause also introduces provisions prohibiting the construction of a cesspool under any building or within a certain distance of a filtered water reservoir outside Calcutta, and empowers the Commissioner to approve the site of cesspools and to require a cesspool which has been illegally constructed to be removed or filled up.

Clause 298.

This clause corresponds to section 325 of the existing Act in so far as that section relates to receptacles for sewage or offensive matter other than cesspools. This clause, like clause 297, applies also to receptacles situated outside Calcutta.

Clause 302.

This clause corresponds to section 328 (1) and (2) of the existing Act, the Commissioner taking the place of the General Committee which it is proposed to abolish. The owner of the premises is made liable in all cases.

Clause 303.

This clause amplifies the provisions of section 315 of the existing Act, but is based on the same principle. The use of the words "owner or occupier" throughout Chapter XXI of the existing Act has given rise to difficulties. The work to be carried out is practically in every case work which should be carried out and paid for by the owner. It is, however, frequently very difficult to serve a requisition on, or enforce it against, the owner, and notices are therefore often served on the occupier who has to bear the cost of the work. This is inequitable. The proviso enables the occupier to recover from the owner expenses reasonably incurred by him on behalf of the owner.

Clause 304.

This clause introduces new provisions, based on section 260 of the City of Bombay Municipal Act, 1888, and is intended to strengthen the hands of the Commissioner in an emergency. Sub-clause (2) empowers the Corporation to bear the expenses, in any suitable case, of work undertaken in these circumstances.

Clause 306.

This clause corresponds to section 327 of the existing Act, but allows an appeal in certain cases not provided for under that section.

CHAPTER XX.

Clause 307.

This clause reproduces the provisions of section 329 of the existing Act, but the condition as to publication within two months has not been included as it is spent.

Clause 309.

This clause corresponds to section 331 of the existing Act, but the Commissioner has been substituted for the Engineer as it is proposed to vest all executive powers and duties in the Commissioner.

Clause 310.

Sub-clause (1) corresponds to section 332 (1) of the existing Act with a new provision introduced to cover every kind of work done in connection with underground drains.

Clause 311.

This clause corresponds to section 333 of the existing Act. The special provisions in sub-section (2) of that section have not been included in the Bill as they are unnecessary, the Corporation being given a general power to prescribe fees for licensed plumbers for work done.

Clause 314.

This clause allows an appeal against an order of the Commissioner refusing to grant or to renew a license to a plumber.

CHAPTER XXI.

Clause 315.

Sub-clause (2) introduces provisions expressly empowering the Corporation to name public streets, as the provisions of section 348 of the existing Act have been relegated to a Schedule.

Clause 317.

This clause corresponds to section 338 of the existing Act, but provision has been made for closing streets; and the provisions of sub-section (2) of that section have not been included as it has never been found necessary to resort to them in practice and as it is proposed to abolish the General Committee.

Clause 318.

This clause merely provides the authority necessary to give effect to the provisions of Schedule XV, to which several sections of this Chapter have been transferred. (*See para. II of the Statement of Objects and Reasons.*)

Clause 319.

It has been held that platforms, verandahs and other projections are not "fixtures" within the meaning of section 341 of the existing Act, but "portions of the building" itself. The proposed amendments are intended to meet this difficulty.

Clause 320.

This clause reproduces section 342 of the existing Act, but makes the offender specifically liable, notwithstanding his liability to be prosecuted, to pay such expenses as may be incurred by the Commissioner in the removal of the obstructions in a public street.

Clause 321.

This clause corresponds to section 350 of the existing Act, but gives the Corporation power to prescribe both a "building-line" and a "street alignment" for any public street.

Clause 322.

This clause, which corresponds to section 351 of the existing Act, has been modified on the lines of the Calcutta Improvement Act, 1911, as amended by the amending Act of 1915.

Ben. Act V
of 1911.

Clause 323.

This clause corresponds to section 352 of the existing Act, but gives power to the Commissioner to take possession of any land not covered by buildings which is situated within a prescribed street alignment.

Clause 326.

This clause reproduces the provisions of section 355 of the existing Act, but permits the alternative course of providing proper means of access for persons affected by the closing of a street.

Clause 327.

This clause corresponds to section 356 of the existing Act. Proviso (b) introduces provisions the effect of which will be to keep the lines of masonry buildings on both sides of a projected street forty feet apart, though the street itself may be less than forty feet wide, thus facilitating the future widening of streets.

Clause 328.

By this clause the provisions of clause 322 are made applicable, so far as may be, to public streets projected under clause 327.

Clause 329.

This clause reproduces the provisions of section 357 (1) and (2) of the existing Act. • The provisions of that section relating to abandonment of acquisition have not been included since new provisions dealing with the same subject have been introduced in clauses 330, 331 and 332.

Clauses 330, 331 and 332.

These clauses, which are on exactly the same lines as sections 78, 79 and 80, respectively, of the Calcutta Improvement Act, 1911, correspond to the provisions of sub-section (2), proviso, and sub-sections (3) to (6) of section 357 of the existing Act. They follow the same principle as the existing law, but definitely lay down the procedure for the abandonment of acquisition of any land in consideration of special payment, for the recovery of money so payable and for the acquisition of the same land by a fresh declaration.

Clause 333.

This clause corresponds to section 358 of the existing Act. It is intended to help owners who wish to lay out private streets, but it is thought desirable that the Corporation should have power to compel owners to widen a street to the full width of forty feet.

Clause 336.

This clause reproduces section 361 of the present Act. The owner of a private street which is to be treated as provided in this clause is now among the persons who may be required to deal with the street in accordance with the requisition to be served hereunder.

Clause 337.

This clause corresponds to section 362 of the existing Act, but amalgamates the provisions of sub-sections (1) and (2) of that section. It requires the consent of a bare majority (instead of three-fourths) of the owners of buildings situated in a private street, or of the owners of the street or the owners or occupiers who have paid for the levelling, etc., of the street, before the Corporation may declare the same to be a private street.

Clause 338.

This clause provides for an appeal against any action taken by the Commissioner with the object of altering or demolishing a private street made or laid out in contravention of clause 333, and also against a notice issued under clause 319 (1) or 336 (1). An appeal is also provided for in the event of the Commissioner refusing to grant permission to the erection of, or addition to, a building on a site between a street alignment and the building line. [*Clause 322 (2).*]

CHAPTER XXII.

Clause 339.

This clause reproduces the provisions of section 363 of the existing Act, with such changes in the wording as are necessitated by the definition of "new building" in the Bill which will take the place of the definition of "re-erection" in the existing Act. A similar change in the wording has been made throughout the Bill.

Clause 340.

This clause empowers the Commissioner to settle all questions that may arise as to what is a site. Such questions have often given rise to much difficulty in applying the building rules.

Clauses 341 and 342.

These clauses introduce provisions for the licensing of building surveyors having certain qualifications to be prescribed by the Corporation, and for the making of rules for the guidance of such surveyors. (*See para. XII of the Statement of Objects and Reasons.*)

Clause 343.

This clause introduces provisions which require that the plans, elevations and sections, which are to be submitted with an application for sanction to erect a building, must be prepared by a licensed building surveyor.

Clause 344.

This clause corresponds to section 367 of the existing Act, but the distinction between "streets" and "localities" has been done away with and the clause does not now include any provision as to continuous buildings, this class of buildings having been dealt with in Schedule XVI to the Bill. The provisions of sub-clause (f) are intended for the purpose of improving the condition of huts in certain areas.

Clause 345.

This clause introduces provisions which will have the effect of restricting the erection of masonry buildings which do not abut on a street or to which there is no access by a pathway at least sixteen feet in width. Sub-clause (2) provides that such a pathway shall not at any future time be encroached upon by any other building. The object of these provisions is to prevent buildings being erected without any proper means of access to them.

Clause 346.

This clause enables the Commissioner to require existing public buildings to be brought into conformity with the building rules applicable under the Bill to new public buildings.

Clause 347.

This clause introduces provisions which will have the effect of prohibiting the change in user of a building, an exception being made in favour of buildings which are used as shops in areas in which shops are not prohibited. This exception is a concession to the common practice of letting out or using portions of dwelling-houses as shops and to the need for certain kinds of shops (*e.g.*, small grocery shops) in residential areas.

Clause 348.

This clause corresponds to section 391 of the existing Act, but sub-section (1) of that section is now no longer necessary. Power is given to

the Commissioner to direct, on application made to him, that in any particular case the building rules need not apply to alterations of, or additions to, a building; but provision is made at the same time in clause 350 for an appeal against a refusal by the Commissioner to grant such an application. An *Explanation* has also been added to make it quite clear that, for the purposes of clause 348, alterations of, and additions to, a building shall not include any work of re-erection or re-construction which would be covered by the definition in clause 3(36). The provisos to section 391(2) of the existing Act, as also sub-section (3) to that section, have not been included as they are unnecessary in view of the form now taken by this clause.

Clause 350.

This clause provides for appeals to the Buildings Appeals Committee against certain orders of, or notices issued by, the Commissioner under this Chapter.

CHAPTER XXIII.

Clause 352.

The definition in section 3(5) of the existing Act limits a "bustee" to plots of land exceeding 10 *cottahs* in area or (in the case of contiguous plots) exceeding one *bigha* in area. In view of the altered definition of "bustee" in clause 3 of the Bill it is thought desirable to restrict the powers of the Corporation to improve a bustee to plots exceeding one *bigha* in area.

Clause 353.

This clause reproduces section 400 of the existing Act, but the opening words have been modified so as to make the object of the clause quite clear. A reference to "wells and low lands" has also been introduced in sub-clause (f) as being much needed. The change in the provisions of section 400 (3) of the existing Act is necessitated by the omission from the Bill of the definition of "bustee land".

Clause 354.

The provision in section 401 of the existing Act, requiring the Commissioner to prepare a plan within a further period of sixty days, has not been included in the clause, as this is considered too short a period in the case of large bustees. The charge of three rupees per *bigha*, as prescribed by section 401 (4) of the present Act, is inadequate to cover the actual cost of preparing a plan, and it is accordingly proposed in sub-clause (4) to increase it to five rupees.

Clause 355.

This clause corresponds to section 404 of the existing Act, which has been recast. It is thought unnecessary to enforce the re-erection of huts which have been taken down. All that is required is that huts which do not conform to the standard plan should be removed. It is also thought desirable to have a more specific provision as to the payment of compensation for huts removed.

Clause 358.

The main difference between this clause and section 405 of the existing Act is that it is now proposed herein to give the Commissioner the additional power of making requisitions in respect of the water-supply and bathing arrangements for huts.

Clause 359.

Sub-clause (1).—The use of the term "medical officer" in section 406 (1) and the term "officers" in section 406 (2) of the existing Act has led to the contention that the persons employed to make the inspection must be officers of the Corporation. To meet this contention it is proposed to substitute the phrase "persons appointed in that behalf" for the word "officers" and the phrase "medical practitioner" for "medical officer". It is also proposed to insert "registered" before "medical practitioner", this alteration being desirable in view of the provisions of the Bengal Medical Act, 1914.

Sub-clauses (2) and (3).—It is proposed to make it quite clear by these two sub-clauses that urgent and deferred improvements, respectively, are to be specified in separate Schedules annexed to the report.

Sub-clause (5) is introduced so as to enable the report to be used in evidence without calling as witnesses the persons who submitted it.

Clause 360.

The wording of section 407 of the existing Act has been recast. It is thought undesirable to prescribe a period of six months or any other period within which the plan must be considered and approved.

Clause 361.

This clause reproduces section 408 of the existing Act, but notices may now be served separately on owners and occupiers of huts and owners of the land in the *bustee*. In practice, it is often found necessary to require hut owners to demolish portions of their huts and the owners of the land to carry out other improvements.

Clause 362.

It is proposed that the expenses incurred by the Commissioner when carrying out improvements in a *bustee*, in default of the owners or occupiers, should be a charge on the *bustee*.

Clause 364.

This clause is the same as section 411 of the existing Act except that it now specifies the different steps which the Corporation may take on receipt of a report, under clause 359, relating to the sanitary condition of a *bustee*.

Clause 365.

The wording of section 412 of the existing Act has been recast with a view to differentiating quite clearly between the carrying out of improvements to be taken in hand forthwith and those to be deferred for action under the previous clauses. [See note on clause 359 (2).]

Clause 369.

This clause reproduces section 416 of the existing Act. Having regard, however, to the provisions of clause 353(2) of the Bill, it is proposed in sub-clause (1) to refer to "passages" as well as to "streets", and in sub-clause (2) to provide for the free access of municipal scavenging carts inside *bustees*.

Clause 370.

This clause introduces new provisions which are intended to render the bathing and privy accommodation in a *bustee* available to all the tenants. It is sometimes contended that the owner is entitled to restrict the use of such accommodation.

Clause 371.

This clause provides for the proper maintenance, by the owner, of all *bustee* improvements for which there is no provision under the existing law.

Clause 374.

The wording of section 419 of the existing Act (to which this clause corresponds) has been considerably altered so as to facilitate the application of its provisions. These, as at present framed, have almost brought the working of Chapter XXVI of the existing Act to a standstill. Under the existing law a *bustee* owner on whom a notice has been served to demolish a hut or to carry out improvements in the *bustee* is able to defeat the law by serving a notice on the Chairman under section 419(1) and thereby gaining six months' time under section 419(3), during which the period of limitation for prosecutions prescribed by section 631 runs out. It is proposed to limit the application of this clause to plots of land bearing a separate number in the assessment-book, and to provide in clause 539 that a fresh period of limitation for prosecutions shall be computed from the expiration of the six months allowed by clause 374 (3). [See note on clause 539.] Sub-clause (5) is inserted with a view to meet the case in which an owner first gets his land excluded from a *bustee* and then proceeds to re-build huts without making improvements as required by the standard plan of the *bustee*. Sub-clause (6) introduces a necessary provision which will enable the Corporation to cancel or modify the standard plan when huts in a *bustee* are removed under sub-clause (3).

Clause 375.

This clause is based on rule 37A of Schedule XVII to the existing Act, the provisions of which it is thought desirable to incorporate in the Bill in this place. It is proposed to make the clause applicable to areas in which huts are likely to be erected, as well as to existing *bustees*. It is in respect of such areas that its provisions will, it is thought, prove most useful.

Clause 376.

This clause gives further effect to clause 375. It is considered that seven years is a sufficiently long period to allow for the life of a hut, and it will be to the interest of hut owners, when repairing or rebuilding during that period, to conform to the prescribed alignments; for, after seven years, they may be required to remove huts which do not so conform.

Clause 377.

This clause reproduces rule 16A of Schedule XVII to the existing Act (which also it is proposed to include in this Chapter), with some modifications of drafting. The provisions of clause (b) of rule 16A have not been included as they would militate against clauses 369 (1) and 375 (5), under which streets and passages in *bustees* remain private streets.

Clause 380.

This clause introduces provisions allowing appeals to the General Appeals Committee from orders and notices by the Commissioner under certain clauses of this Chapter.

CHAPTER XXIV.

Clause 381.

This clause reproduces section 449 of the existing Act, which, however, applies only to "work done". It is proposed to extend the application of this clause to existing structures which the owner undertakes to demolish when applying for sanction to erect a new building but which he subsequently leaves standing. The reference to 'occupiers' in proviso (a) has been omitted as, in practice, it has been found that section 449 has never been applied to occupiers. A similar omission has been made in clause 382. Proviso (b) is new and is intended to meet the contention, put forward in some cases, that section 449 of the existing Act cannot apply to a building which has been already valued for purposes of assessment.

Clause 382.

This clause reproduces section 450 of the existing Act with alterations in the wording and in the order of the sub-clauses made to correspond to the rearranged provisions of the existing Act as reproduced in the Bill. It is thought desirable that this clause should apply in the case of a building required to be demolished as unfit for human habitation, and this is provided for in sub-clause (5). Cases in which buildings erected between a street alignment and the building-line of streets or projected streets may be required to be removed have also been included. A new proviso (ii), similar to proviso (b) in clause 381, has also been introduced. [See note on clause 381.]

Clause 383.

This clause reproduces section 451 of the existing Act, with the introduction of new provisions intended to strengthen the hands of the Commissioner in stopping the erection of buildings unlawfully commenced or carried on. It is thought very desirable that unlawful construction should be effectively stopped in its early stages.

CHAPTER XXV.

Clause 384.

This clause reproduces section 422 of the existing Act, but makes it clear that gas and oil lamps may be fixed, and gas-pipes laid under, across or over, any immovable property. Sub-clause (3) amplifies the provision in section 422(2) of the existing Act which exempts the Chairman from all liability to claims for compensation.

Clause 385.

This clause reproduces section 427 of the existing Act, but gives the Commissioner discretion to make the owner of the unlawful structures, or the actual person offending, liable for the expenses incurred in removing the same.

Clause 386.

This clause is made up of sections 429 and 433 of the existing Act, but no material alterations have been made.

Clause 387.

This clause reproduces section 430 of the existing Act except subsection (5), the provisions of which are embodied in a separate clause. [See note on clause 393.]

Clause 388.

This clause corresponds to section 431 of the existing Act, but its provisions have been made applicable to premises in which building operations are being carried on.

Clause 389.

This clause corresponds to section 435 of the existing Act. It is thought desirable that express provision should be made for maintaining an establishment for the scavenging of streets and premises as well as for the removal of sewage.

Clause 392.

This clause amplifies the provisions of section 459 of the existing Act by empowering the Commissioner to construct places as swimming baths and for washing clothes.

Clause 393.

The provisions of sections 428 and 430 (5) of the existing Act have been combined in this clause.

CHAPTER XXVI.

Clauses 394 and 396.

It is considered unnecessary that this Chapter should be placed in a separate Part, as in the existing Act. It has accordingly, in the Bill, been included in Part V. The clauses of the Chapter reproduce sections 554 and 555 (Chapter XLI) of the existing Act.

CHAPTER XXVII.

Clause 396.

In rearranging the provisions of the existing Act it is proposed to relegate all the sections of Chapter XXIX, except sections 444 and 445, to a new Schedule. (*See paragraph II of the Statement of Objects and Reasons.*)

Clause 397.

This clause reproduces section 444 of the existing Act, but extends its application to a portion of a building, and makes provision for inspection by the Commissioner and for the prevention of the further use of condemned buildings or portions thereof.

Clause 398.

This clause is based on section 18 of the Housing of the Working Classes Act (9 Edw. 7, c. 44) and is intended to compel owners of uninhabitable houses either to render them habitable or to demolish such houses.

Clause 399.

This clause is based on the provisions of section 379 of the City of Bombay Municipal Act, 1888. Those provisions have been found to be most useful in Bombay in preventing overcrowding in buildings, and it is believed that they will prove equally efficacious in Calcutta. Bom. Act III of 1888.

Clause 401.

Under the existing law the Chairman has no power to prevent any objectionable enlargement or extension of an existing factory or workshop. This clause reproduces section 463 of the existing Act, but gives the Commissioner the required power.

Clause 402.

Sub-clause (3) reproduces section 467 of the existing Act, but omits, as unnecessary, the reference in the proviso to that section to licenses under Schedule II, which are trade or professional licenses and quite distinct from licenses granted in respect of premises.

Clause 407.

This clause introduces provisions which require the production of a certificate from the Commissioner before a license in respect of eating-houses and hotels is granted under the Calcutta Suburban Police Act, 1866, or the Calcutta Police Act, 1866, or the Bengal Excise Act, 1909. It is considered essential that the Corporation should have some control over the sanitary condition of eating-houses and hotels. The provisions of the existing law relevant to this matter are sections 18 to 24 of the Calcutta Suburban Police Act, 1866, sections 35 to 41 of the Calcutta Police Act, 1866, and sections 20 to 23 of the Bengal Excise Act, 1909. Ben. Act II of 1866.
Ben. Act IV of 1866.
Ben. Act V of 1909.

Clause 408.

This clause introduces provisions for the licensing and control of theatres and other places of public amusement. Under the existing law there are no such provisions, and the want of them has long been felt by the Corporation.

Clause 409.

This clause allows an appeal to the General Appeals Committee from the action or orders of the Commissioner under certain sections of this Chapter.

CHAPTER XXVIII.

Clause 410.

This clause is practically identical with section 477 of the existing Act, but the opportunity has been taken to provide in it for the construction and maintenance, etc., of municipal stock-yards which, at present, the Corporation cannot undertake.

Clause 413.

Owing to the very large number of Hindi-speaking people in Calcutta, it is thought desirable to require both here, and in other clauses in the Bill where the posting of notices in various languages is provided for, that such notices should be printed in Hindi as well as in Bengali, English and Urdu.

Clause 414.

Sub-clause (1) (a) reproduces the provisions of sections 481 (a) and 482 of the existing Act, but it is thought desirable to do away with the exception in favour of markets registered under the Calcutta Markets Act, 1871, because that Act has long been repealed and because there is no special reason why these markets should not be placed on the same footing as other markets. *Proviso (iv)* to section 481 has not been included for the same reason.

Ben. Act.
VIII of 1871.

Sub-clause (2) corresponds to section 481 (2) of the existing Act, but the provisions of that section requiring the payment of fees for licenses have been omitted as they are covered by clause 501 (2).

Clause 418.

This clause amalgamates the provisions of sections 486 and 487 of the existing Act.

Clause 419.

Sub-clause (a) reproduces section 489 (a) of the existing Act with a provision which will enable the levying of a charge for the feeding of animals kept in a municipal slaughter-house or stock-yard before they are ready for slaughter.

CHAPTER XXIX.

Clause 422.

This clause amalgamates the provisions of sections 493 and 494 of the existing Act which, to a certain extent, overlap one another.

Clause 423.

This clause provides for the licensing of milk dealers and sellers and is based on section 412A of the City of Bombay Municipal Act, 1888 (as amended by Bom. Act VI of 1913). Bom. Act III of 1888.

Clause 424.

Sub-clause (1) corresponds to sub-section (1) of section 495 of the existing Act. It is proposed to prohibit absolutely the sale, or the making or storing for sale, of any "adulterated" food or drug, and, to give effect to this object, the qualifying words "to the prejudice of the purchaser," occurring in that sub-section, have been omitted. (See definition of "adulterated" in clause 3, and also paragraph XIV of the Statement of Objects and Reasons.)

Clause 425.

This clause, which is based upon sections 415 and 417A of the city of Bombay Municipal Act, 1888, prohibits the sale of certain articles of food which are not of the prescribed standard or quality. This goes further than the prohibition of the sale of "adulterated" articles, but the evils resulting from the widespread adulteration of articles of food which are in everyday use, and especially of milk, *ghee* and mustard oil, require that stringent measures should be taken to stop the adulteration of these articles altogether. *Sub-clause (2)* is designed to prevent persons from defeating the law by selling similar articles under similar names. The provisions of sub-clause (5) are intended as a safeguard against the institution of proceedings without proper justification. Bom. Act III of 1888.

Clause 426.

This clause is based on section 3 of the Butter and Margarine Act, and is designed to be a further check on the adulteration of certain articles mentioned in the last preceding paragraph. 7 Edw. 7.

Clause 427.

Sub-clause (1) reproduces section 496 of the existing Act with the wording modified in consequence of the new definition of "food" in the Bill, and prohibits manufacturing and keeping as well as selling and exposing for sale.

Sub-clause (2) is on the same lines as section 495(3) of the existing Act.

Clause 428.

This clause corresponds to section 497 of the existing Act, but it now provides for the licensing of drug shops instead of mere registration.

Clause 431.

This clause corresponds to section 500 of the existing Act, under which places where indigenous drugs or medicines are sold are exempted from registration under section 497. At present the Corporation can exercise no control over such places and there have been complaints that in these places poisons are not kept separate from non-poisonous drugs. It is proposed, therefore, to give the Corporation some control over such places by requiring them to be licensed under clause 428 in common with other drug shops.

Clause 432.

This clause corresponds to section 501 of the existing Act, but the provisions of sub-section (2) of that section have not been included as they are covered by clause 510 (3).

Clause 433.

Sub-clause (1).—It is considered very necessary that the Commissioner should be empowered to make provision for the inspection of articles of food during manufacture. It is proposed by this sub-clause to give him the necessary power.

Clause 434.

Sub-clause (3) introduces new provisions which are intended to enable the Commissioner to retain in custody suspected food or drugs until samples are taken and analysed, the object being to avoid the difficulties and expense of removing such articles before it is ascertained whether they should be condemned or not. These provisions will also prevent the disposal of the same before they are actually seized and removed by the municipal authorities.

Clause 435.

This clause reproduces section 504 of the existing Act, the provisions of which, however, apply only to food. There is no reason why the provisions relating to the destruction of food, and the expenses thereof, should not apply to all the articles included in section 503, and the provisions of this clause are, therefore, made applicable to all those articles. Reference to section 505 of the existing Act will show that this, apparently, was the intention of that Act, but that the drafting of section 504 was defective.

Clause 437.

Sub-clause (1) reproduces section 507(1) of the existing Act, but enables the Commissioner to authorize persons, other than municipal officers or servants, to take action under this provision. The reason for this amendment is that the Municipal Food Inspectors (to whom the Chairman usually delegates his powers by virtue of section 18) are well known to all vendors, who make it a practice not to sell to these Inspectors whenever they can find a pretext for not doing so.

Sub-clause (2).—It is here proposed to give to the Commissioner power, similar to that conferred by sub-clause (1), to compel the sale to him, during manufacture, of any food or drug the soundness of which he may desire to test. This is considered to be a very necessary provision in view of the frequent practice of adulteration of food while in process of manufacture.

Sub-clause (3).—By this sub-clause it is proposed to enable the Commissioner to take samples, for the purpose of analysis, of any food which is in transit in Calcutta or stored in any place in Calcutta. The price of any sample taken will be payable to the owner on demand within one month from the date of surrender of the same.

Sub-clause (4).—This sub-clause reproduces the existing sub-section (2) of section 507, but its provisions have been made applicable to samples taken under the proposed sub-clause (2). Division into three parts has been made compulsory following the English precedent.

Sub-clause (6).—This sub-clause is complementary to the proposed sub-clause (3), and provides the procedure to be followed upon action taken under that sub-clause.

Sub-clause (7) is intended to give probative value to the report of the analyst employed by the Corporation, so that it will not be necessary to call him as a witness in every case.

Clause 439.

This clause is based on section 497(3) of the existing Act and allows an appeal to the General Appeals Committee against a refusal by the Commissioner to grant licenses in certain cases.

CHAPTER XXX.

Clause 440.

This clause reproduces section 513 of the existing Act, but provides that information of dangerous diseases shall be given to the Commissioner instead of to the Health Officer. This change, it is thought, will prove to be more convenient for purposes of administration since the Commissioner will be able to delegate his authority in this matter to such officers as he thinks fit. A similar change has been made throughout this Chapter for the same reason.

Clause 442.

It is proposed in this clause to extend the application of the provisions of section 515 of the existing Act by a general reference to "domestic purposes."

Clause 443.

Sub-clause (1) reproduces section 516(1) of the existing Act with an alteration in the wording intended to exclude cases where the patient can be effectually segregated without being sent to hospital.

Clause 444.

Sub-clause (1).—This sub-clause reproduces sub-section (1) of section 517 of the present Act, but the application of its provisions has been extended to tanks, pools or wells adjacent to a building as, for obvious reasons, it may sometimes be desirable to disinfect them.

Clause 446.

The *Explanation* reproduces the provisions of section 519(2) of the existing Act, which are, strictly speaking, in the nature of an explanation.

Clause 447.

Sub-clause (3).—Under section 520(3) of the existing Act the Chairman may require the disinfection or destruction of infected articles, but this provision has not proved very effective in practice as the requisition is frequently not complied with. It is therefore proposed in this clause to give power to the Commissioner to disinfect or destroy such articles in the first instance.

Clause 449.

Sub-clause (1).—In this sub-clause the provisions of sub-sections (1) and (3) of section 522 of the existing Act have been amalgamated.

Clause 453.

This clause is based on the proviso to section 518(2) of the existing Act, and allows an appeal to the General Appeals Committee in similar circumstances.

CHAPTER XXXI.

Clause 454.

Sub-clause (4), reproduces section 526(4) of the existing Act, with an alteration in the wording which is intended to include places for the disposal of the dead other than burial or burning grounds (*e.g.*, towers of silence). A similar change has been made in this Chapter wherever burial or burning ground is mentioned. The proviso is introduced to allow of the same Sub-Registrar being appointed for more than one such place, if necessary.

Sub-clause (5) merely reproduces section 528 of the existing Act.

Clauses 457 and 458.

These clauses correspond to sections 531 and 532 of the existing Act but are based on sections 446 and 449 of the Bombay Act (Bom. Act III of 1888.)

Clause 460.

This clause corresponds to section 536 of the existing Act, but it is considered desirable to provide for the production of a certificate by a medical practitioner registered under the Bengal Medical Act, 1914. Ben. Act VI of 1914.

CHAPTER XXXII.

This Chapter corresponds to Chapter XL of the existing Act, but sections 549, 550 (3), 552, 553 of that Chapter have been omitted, as they are, in the Bill, adequately covered by the relevant provisions of clause 481. Apart from the above omissions, the few changes made in this Chapter are purely verbal.

CHAPTER XXXIII.

Clauses 474 to 477.

These clauses reproduce the provisions of sections 394 to 397 (*i.e.*, Chapter XXV) of the existing Act, which, it is thought, may conveniently be grouped in the same Chapter with the clauses which reproduce sections 556 to 558 (*i.e.*, Chapter XLII) of that Act, the subject-matter being analogous.

Clause 479.

Sub-clause (c) reproduces section 557(*d*) of the existing Act with alterations in the wording made to exclude land in a *bustee*. Under the existing law *bustee* land is valued differently from other land, and the same method of valuation is provided for in the Bill. It is considered, therefore, that the presumptive value of *bustee* land cannot satisfactorily be fixed in the same way as that of other land under the provisions of this sub-clause. The proviso to section 557(*d*) of the existing Act has not been included in the Bill as its provisions are spent and are therefore no longer required.

CHAPTER XXXIV.

Clause 481.

Sub-clause (1) introduces provisions dealing with municipal debentures which are much needed.

Sub-clause (3) takes the place of section 559 (57) of the existing Act, but empowers the Corporation to prescribe the maximum loads and the minimum width of tyres for carts. In this and other instances, the position of the sub-clause in the clause has been made to conform with the revised arrangement of Chapters and clauses in the Bill. (*Vide* foot-note to Chapter XLIII of the Reprint of Ben. Act III of 1899.)

Sub-clause (18) introduces provisions which are required owing to the great increase in the number of advertisements posted on boundary walls and in, or adjacent to, streets and other public places.

Sub-clause (21) provides for the making of by-laws to regulate the construction of verandahs, etc., in streets. This power is considered to be necessary so as to permit of supplementation of the provisions of section 340 of the existing Act, which deal with the construction of verandahs, etc., and which have now been relegated to Schedule XV.

Sub-clause (27) empowers the Corporation to make by-laws to take the place of the provisions of sections 423 to 426 of the existing Act, which it is proposed to omit from the Bill.

Sub-clause (28) similarly provides for the making of by-laws to cover the provisions of sections 432, 434 and 436 of the existing Act.

Sub-clause (29) provides for the making of by-laws in substitution for the provisions of sections 460, 461, 462 and 474 of the existing Act, and also reproduces the provisions of section 559 (31) of that Act.

Sub-clause (30) empowers the Corporation to make by-laws to deal with the subject-matter of sections 475 and 476 of the existing Act, which it is proposed to relegate to by-laws.

Sub-clause (31) similarly provides for the making of by-laws covering the provisions of sections 461 and 462 of the existing Act.

Sub-clauses (32), (33) and (34), in which are included the provisions of clauses (26) and (27) of section 559, provide for the making of by-laws to take the place of the provisions of Chapter XXXI of the existing Act, which it is proposed to omit altogether from the Bill.

Sub-clause (39) introduces provisions for the making of by-laws regarding eating-houses and other similar places.

Sub-clause (40) reproduces the provisions of section 559 (30) of the existing Act, but also provides for the making of by-laws to cover the provisions of sections 464 (1), 465, 466 (2) and 473 of the existing Act, which it is proposed to relegate to by-laws.

Sub-clauses (41) and (42) introduce provisions for the making of by-laws which are much needed to ensure the public safety in places of public resort.

Sub-clauses (45) and (46) reproduce the provisions of section 559 (34) and (35), and also provide for the making of by-laws dealing with the subject-matter of the provisions of section 488 (a) and (d) of the existing Act, which it is proposed to relegate to by-laws.

Sub-clause (49).—In view of the fact that it is proposed to omit Chapter XXXVI of the existing Act, this sub-clause has been revised to bring it into line with clause 410 of the Bill, which provides for the use of correct weights in the municipal markets.

Sub-clause (53) provides for the making of by-laws to take the place of the provisions of sections 527, 529 (2), 530, 535, 537 and 544 of the existing Act, which it is proposed to relegate to by-laws.

Sub-clause (61) reproduces section 559 (49), and also provides for the making of by-laws to take the place of sections 549, 550 (3), 552 and 553 of the existing Act, which it is proposed to relegate to by-laws.

Sub-clause (63) in like manner provides for the making of by-laws to cover the provisions of sections 571 and 572 of the existing Act.

Clause 482.

Sub-clause (2) reproduces the provisions of section 464 (2) of the existing Act, it being proposed to relegate section 464 (1) to by-laws. [See note on clause 481 (40).]

Clause 483.

As it is considered that the maximum penalties imposable under by-laws should be enhanced, the necessary provision has been made here. This clause represents in the main section 561 of the existing Act.

Clause 484.

This clause introduces provisions empowering the Corporation, when making a by-law, to provide an appeal to the General Appeals Committee or to the Buildings Appeals Committee, as the case may be, against any order of the Commissioner made under such by-law. This is necessitated by the proposed relegation to by-laws of several of the provisions of the existing Act.

Clause 487.

This clause modifies section 567 of the existing Act by empowering the Local Government to amend all Schedules to the Bill except Schedules I and III. Schedule I fixes the boundaries of Calcutta for municipal purposes and Schedule III defines the boundaries of wards. Any alteration of those boundaries is considered undesirable as it would affect not only the elections but also the assessment periods for the wards, and would give rise to many other difficulties. The provisions of section 43(2) of the existing Act have for the same reasons not been included in the Bill.

Clause 490.

This clause corresponds to section 570 of the existing Act, but the wording has been altered so as to make it clear that by-laws, after they have been duly sanctioned and published, shall have the same force as law.

CHAPTER XXXV.

Clause 492.

This clause amalgamates the provisions of sections 574 and 575 of the existing Act for the sake of brevity and convenience. It seems to be unnecessary to have two separate sections containing a table, one dealing with maximum fines and the other with daily fines. Numerous alterations have also been made in the table consequential upon the re-arrangement of Chapters and the relegation of certain provisions to Schedules and by-laws; and several additions have been made to the table to cover certain existing as well as new provisions for which it has been thought necessary to provide a penalty. In regard to several entries in the table, it has also been thought desirable to make the punishment more severe by increasing the maximum amount of fine to be imposed.

Clause 495.

Sub-clause (1) reproduces section 578(1) of the existing Act, but the reference to "company, association or body of individuals" is omitted in view of the definition of "person" in section 3 (32) of the Bengal General Clauses Act, 1899.

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Clause 496.

This clause reproduces section 579 of the existing Act, but clause 496(a) requires that the permission of the Commissioner mentioned therein must be in writing (*cf.* Schedule XVI, rules 64 and 90). For the sake of convenience it is also proposed to include in the table, in clause 492 of the Bill, the penalties for offences against certain provisions which are at present included in section 579. The same remark also applies to sections 580 and 581 of the existing Act, which are not retained as separate clauses in the Bill, but have been provided for in clause 492.

CHAPTER XXXVI.

Clause 501.

Sub-clause (1) corresponds to section 586 (1) of the existing Act, but its provisions have been amplified so as to prescribe certain particulars which, it is proposed, should be specified in all licenses and written permissions.

Sub-clause (2) reproduces the provisions of section 586 (2) of the existing Act, with certain qualifications necessitated by the fact that the Bill in some cases provides for the charging of a fee while in others no such fee is chargeable.

The change in *sub-clause (4)* is consequential on the proposed establishment of a Buildings Appeals Committee.

Sub-clause (5) reproduces section 586 (5) of the existing Act with an alteration in the wording made in order to meet the suggestion that an order suspending or revoking a license can remain in force only for the period for which the license was granted, and that, on the expiration of that period, the licensee is entitled to renew his license, as a matter of right, in the ordinary course.

Clause 510.

Sub-clauses (2) and (3) introduce new provisions based on section 473 (2), section 501 (2) and other sections of the existing Act, which empower the Chairman to use necessary force in making an entry and provide that no claim for damages, caused by such entry, shall lie against him or any person acting under his orders. It has been considered more convenient to collect all these provisions in one place so as to make them apply generally to all entries which the Commissioner is empowered to make, except in such cases as are otherwise expressly provided for in the Bill.

Clause 512.

In the existing Act no penalty is provided for obstructing the Chairman in making an entry under the Act. This clause is intended to supply this omission, a penalty being provided in the table in clause 492.

Clauses 513 to 516.

These clauses correspond to sections 597 to 600 of the existing Act, but clause 514 introduces provisions requiring persons on whom a written notice has been served by any municipal authority to submit objections, if any, to the notice within a time now to be specified in the notice (under clause 513) itself.

Clauses 517, 518 and 519.

These clauses respectively correspond to sections 605, 606 and 607 of the existing Act, but do away with the approval by the General Committee or the Corporation which is at present required. It is proposed to allow the Commissioner to exercise the powers under these clauses without reference to the Corporation, and to provide for an appeal, in clause 518 (2), against a declaration by the Commissioner. The provisions of clause 518 have been made applicable also to rules and by-laws in view of the fact that several of the provisions of the existing Act have in the Bill been relegated to by-laws and Schedules. Clause 519 (2) makes the owner or occupier liable, but provides for the recovery by the occupier of any sum paid by him as improvement expenses. (*Cf. sections 315 and 612 of the existing Act.*)

Clause 522.

This clause corresponds to section 613 of the existing Act, but it is thought desirable, with a view to simplifying matters, that Receivers and other agents or trustees should obtain orders from the Court when in want of funds to fulfil any obligation under the municipal law.

Clause 523.

It is proposed in this clause to do away with the approval of the General Committee which is required by section 614 of the existing Act, but a proviso has been introduced requiring the previous sanction of the Corporation to payment by the Commissioner of any compensation exceeding one thousand rupees.

Clause 526.

This clause corresponds to section 617 of the present Act, but the exceptions mentioned in that section have, so far as they are necessary under the provisions of the Bill, been provided for in sub-clause (2).

Clause 529.

This clause corresponds to section 620 of the existing Act, but the wording has been altered so as to make it quite general in its application. It is on the lines of section 360 of the Bengal Municipal Act, 1884, and is intended to prescribe a general method of recovery of all moneys due to the Corporation except such as are otherwise expressly provided for in the Bill. Ben. Act III of 1884

Clause 530.

In reproducing the provisions of section 621 of the existing Act, it is thought desirable to prescribe a definite period of limitation in respect of requisitions or orders made by written notice, since most of the proceedings under the existing Act are commenced by such notices.

Clauses 532, 533 and 534.

These clauses reproduce sections 623, 624 and 625 of the present Act, respectively. It is proposed, however, to include in these clauses a reference to the Chief Judge of the Court of Small Causes as well, and so render unnecessary the separate provisions contained in section 626 of the existing Act.

Clause 536.

Sub-clause (1).—It is desirable, in the interests both of the Hackney-Carriage Department and the owners of hackney-carriages, that offences against the Calcutta Hackney-Carriage Act, 1891, shall be triable by the Municipal Magistrate; and, in view of section 55(1) of that Act, it is considered necessary to have an express provision to this effect in the Bill. Ben. Act II of 1891.

Sub-clauses (2) and (3).—The payment of the salaries, etc., of Municipal Magistrates by the Corporation direct has sometimes been considered objectionable. It is proposed therefore to make provision, by these sub-clauses, for the payment of the Municipal Magistrates' salary and allowances by the Local Government, the Corporation contributing the required amounts to Government. Provision has also been made for the payment of the Municipal Magistrates' establishment.

Clause 539.

Sub-clause 1 (b) is new and is inserted for the purpose of fixing a date from which the prescribed period of limitation is to run in those cases in which it is not easy to determine exactly when an offence was committed, e.g., offences committed within private premises. This provision is taken from section 353 of the Bengal Municipal Act, 1884. Ben. Act III of 1884.

Sub-clause (3).—Under the existing law an offending *bustee* owner frequently escapes prosecution under section 404, 405 or 408 by sending to the Chairman a written notice under section 419, which gives the owner a fresh period of six months, so that the ordinary period of limitation for prosecutions [i.e., three months from the offence as provided by section 631(1)] expires in the meanwhile. This new sub-clause is intended to meet such cases, for it prescribes a fresh period of limitation of three months from the expiration of the six months allowed by section 419(3) of the present Act, which is reproduced in clause 374 (3) of the Bill.

Clause 541.

This clause merely reproduces the provisions of section 452 of the existing Act which, it is thought, finds a more suitable place here.

Clause 543.

Sub-clause (1) (c) is new and is taken from section 156 of the Calcutta Improvement Act, 1911. Ben. Act V
of 1911.

Sub-clause (2).—It has sometimes been contended that the “right to sue,” as referred to in section 634 (2) of the existing Act, does not accrue until after the service of the notice under section 634 (1), with the result that limitation is extended. The substitution of the phrase “cause of action” is designed to meet this contention.

CHAPTER XXXVII.

Clause 546.

This clause corresponds to section 637 of the existing Act, but introduces provisions empowering the Local Government to include in Calcutta areas forming part of other municipalities, notwithstanding the provisions of sections 9 and 9A of the Bengal Municipal Act, 1884. At present these two sections control the provisions of sections 636 and 637 of the Calcutta Municipal Act, 1899, with respect to the question of any such inclusion, and without the recommendation of the Commissioners of a municipality under section 9 of the former Act it is doubtful if any part of such municipality can legally be included within the Calcutta Municipality under section 637 of the latter Act. Sub-clause (3) of clause 546 of the Bill accordingly expressly excludes the application of sections 9 and 9A of the Bengal Municipal Act, 1884.

Ben. Act
of 1884.Ben. Act
of 1899.Ben. Act
of 1884.*Clauses 549 and 550.*

Under sections 640 and 641 of the existing Act, the Local Government have the power to extend the Act, or any portion of it, to Howrah. It is proposed under the Bill to confer on the Government the same powers in respect of other neighbouring municipalities as well.

Clause 551.

Sub-clause (2).—As the Commissioner takes the place of the General Committee in exercising the power conferred by section 645 of the existing Act, it is thought desirable to provide for an appeal from orders issued by him in exercise of that power.

Clauses 554 to 556.

The position of these clauses in the Chapter has been changed in the general revision of the existing Act given effect to in the present Bill, but their substance remains unaltered.

Clause 561.

Sub-clause (1).—There are many references in other enactments (*e.g.*, in the Calcutta Improvement Act, 1911), to the Chairman of the Corporation, and it is necessary that those references should be construed as references to the Commissioner who will take his place. Similarly references to the Municipal Commissioners should be construed as references to the Councillors, and references to the existing Act or to any portion of that Act as references to the proposed new Act or its corresponding portions.

Ben. Act
of 1911.

Sub-clause (2) introduces provisions which are necessitated by the proposed abolition of the General Committee, whose powers and functions it is proposed to re-distribute between the Corporation and the Commissioner. (*See paras. V and VI of the Statement of Objects and Reasons.*)

Clause 562.

This clause is designed to save the application of prior enactments which are not intended to be affected by the Bill and are not specifically referred to therein. In the absence of such a saving clause it might be contended that the provisions of any prior enactment (*e.g.*, sections 57 and 88 of the Calcutta Improvement Act, 1911, or portions of the Indian Factories Act, 1911.) which are inconsistent with, or repugnant to, any of the clauses of the Bill, are repealed or otherwise affected by implication.

Ben. Act
of 1911.
Act XII
1911.

SCHEDULE I.

The changes in this Schedule have been made at the instance of the Corporation.

SCHEDULE II.

Rule 1.

It is considered necessary that the table in Schedule II to the existing Act should be made more comprehensive, and with that object in view several new items have been added so as to enable the Corporation to tax trades and professions which under the existing law go free.

Rule 5.

This rule corresponds to rule 5 of existing Schedule II, but a modification has been made in the wording to make it clear that the license mentioned in the rule is to be taken out in respect of the business carried on in any place of business and not for the place of business itself.

Rule 8.

This rule corresponds to rule 8 of the existing Schedule II, but it now provides that where the business is carried on by the occupier of any place of business he, and not the owner of such place, shall take out the license.

Rule 11.

Sub-rule (2).—This sub-rule makes an alteration in the existing sub-rule (2) as it proposes to require the person who is directed to take out a license under a higher class (as provided therein) to take out such license not for the next following year but for the current year. It further provides for the refund of any sum paid by the person for any lower class license in substitution for which he is required to take out a license under a higher class.

Rule 13.

This rule corresponds to rule 13 of the existing Schedule, but two changes are made. In the first place, an appeal to the General Appeals Committee is provided in place of an appeal to a special Bench. Secondly, the right to appeal against an order made under proviso (b) to section 198 of the existing Act is taken away as it is considered that the making of such an order is of itself a matter of favour.

Rule 14.

This rule reproduces rule 14 of the existing Schedule II, with the addition of a proviso which will give the Corporation a month's time in which to deal with the petition from the date on which a notice of appeal to a Court of Small Causes is given under this rule.

SCHEDULES III AND IV.

Schedule III corresponds to Schedule III of the existing Act, but the ward boundaries have been considerably modified. Schedule IV is new and is necessitated by the proposed separate electorates for Mahomedan Councillors. (*See clause 48.*)

SCHEDULE V.

Rule 1.

This rule provides for the preparation of separate lists of ward-voters and Mahomedan voters, respectively. The proviso to this rule prohibits the inclusion of companies or other associations in the latter list in the first instance, but provision is made in rule 8 for the representation of any association on the Mahomedan list. (*See notes on clause 38.*)

Rule 8.

This rule requires that every association which has been included in the ward-voters' list shall authorize in writing one of its members to represent and vote for it, the name of such person being substituted for that of the association. Proviso (a) to sub-rule (2) will enable an association to be represented on the Mahomedan voters' list by choosing a Mahomedan as its representative, and proviso (b) sets out the procedure to be followed by the Commissioner in cases where more persons than one produce a written authority to vote for the same association.

Rule 9.

Sub-rule (9) empowers the Commissioner to expunge the name of any association from the ward-voters' list when no individual applies to be enrolled as the representative of such association.

• SCHEDULE VI.

Rule 8.

*Clause (6).—*It is thought desirable that illiterate voters should be assisted by the polling-officer, but that officer should be required to maintain secrecy in regard to all votes polled in such circumstances. A provision to this effect has been inserted, and a sanction for breach of confidence has been inserted in clause 492.

SCHEDULE VII.

This Schedule corresponds to Schedule VIII of the existing Act, but separate provision has now been made in it for carriages propelled by mechanical power and electricity.

SCHEDULE VIII.

This Schedule corresponds to Schedule IX of the existing Act and is identical therewith save for the provision of a new fee, in the case of the owner or occupier of a market, for a license for the removal of offensive matter and rubbish from such market.

SCHEDULE IX.

This Schedule corresponds to Schedule X of the existing Act, and the changes made in it are trifling and purely consequential.

SCHEDULE X.

The form of warrant of distress provided by this Schedule reproduces the form contained in Schedule XI to the existing Act with such modifications as are necessitated by the proposed new provisions of clause 216.

SCHEDULE XI.

This Schedule is identical with Schedule XII of the existing Act and calls for no remarks.

• SCHEDULE XII.

This Schedule is, save for two minor verbal alterations, identical with Schedule XIII of the existing Act.

SCHEDULE XIII.

Rules 1 to 6.

These rules reproduce the provisions of sections 256, 257, 258 (1) and 259 to 261, respectively, with such modifications as it seemed desirable to make the intention clearer. The table prescribing the size of ferrules set out in rule 4 reproduces the table in Schedule XIV to the existing Act, with an additional column prescribing a separate scale of ferrules for unfiltered water.

Rule 7.

This rule amalgamates the provisions of sections 262 and 263 of the existing Act and provides for prompt action by the Commissioner if a notice to repair defective fittings is not complied with within 48 hours.

Rule 8.

This rule corresponds to section 264 of the existing Act, but the Commissioner takes the place of the Engineer to the Corporation as it is proposed to transfer all purely executive functions to the Commissioner.

Rule 9.

This rule corresponds to section 274 of the existing Act, but as an error of two *per cent.* is rather a small margin to allow for meters in India, it is proposed to raise the permissible error to four *per cent.* This is provided for in sub-rule (3).

Rule 10.

This rule provides that, in calculating the amount to be paid under clause 256, double the rateable reduction should be allowed if a meter indicates more than four *per cent.* in excess of the correct quantity, and likewise prohibits any charge for excess consumption if the meter indicates more than ten *per cent.* in excess. It is also laid down in this rule that any reductions for incorrectness of the meter shall relate only to the quarter in which the occupier applies to have the meter tested under rule 9.

Rules 11, 12 and 13.

These rules reproduce the provisions of sections 275, 276(1) and 277 of the existing Act.

SCHEDULE XIV.

Rule 1.

This rule introduces provisions requiring every person who intends to construct or alter a house-drain to submit an application, with plans and specifications, to the Commissioner.

Rule 3.

This rule prescribes new measurements for the internal diameter of house-drains.

Rule 6.

This rule reproduces rule 5 of Schedule XV to the existing Act, but allows inlets to a house-drain to be made within the premises from the apparatus of connected-urinals or slop-sinks as well as from that of connected-privies. The reference to "water-closet" has been omitted as the proposed definition of connected-privy will include a water-closet.

Rule 7.

This rule corresponds to rule 6 of Schedule XV to the existing Act, but empowers the Corporation to impose fees for traps fixed in the foot-path or roadway.

Rule 8.

Sub-clause (7).—Here, as in rule 5 and for the same reasons, the reference to "water-closet" has been omitted and references to "connected-urinal" and "slop-sink" have been inserted.

Rules 9 and 10.

These rules reproduce the provisions of rules 8 and 9, respectively, of Schedule XV to the existing Act, but are made applicable to connected-urinals as well as to connected-privies.

Rule 11.

This rule introduces provisions for the suitable trapping of pipes for carrying off waste water in a new building.

Rule 12.

Government are advised that there is no valid reason for requiring, as rule 11 of Schedule XV to the existing Act does, that only Portland cement should be used in jointing house-drains. The proposed modification will permit the use of any other cement, provided it is of the proper standard.

Rule 14.

This rule reproduces section 305 of the existing Act, the provisions of which may now be more suitably included in this Schedule.

Rule 15.

This rule introduces provisions which make the owners of two or more premises liable for the maintenance, repair, cleansing, etc., of a house-drain which serves such premises jointly, and empowers the Commissioner to serve a requisition on the owners to carry out the work.

Rule 16.

This rule corresponds to section 322 (1) of the existing Act, but its application is limited to underground drains which are not municipal drains as it is not considered necessary to include in the Bill similar provisions for municipal drains. The provisions of sub-rule (2) are intended to strengthen the hands of the Commissioner.

Rule 17.

This rule reproduces the provisions of section 303 of the existing Act, but the rule now makes it clear that its application is limited to those drains only which are not municipal drains. The Commissioner may, under clause 271, carry any municipal drain under a building.

Rule 18.

This rule reproduces rule 13 of Schedule XV to the existing Act with the additional requirement that drain-pipes passing underneath a building must be made of iron or of some other similar material.

Rule 19.

This rule introduces provisions requiring persons who intend to construct or alter privies or urinals to submit an application to the Commissioner with the necessary plans and specifications.

Rule 20.

This rule empowers the Commissioner to refuse to grant permission for the erection of service-privies or urinals which he considers likely to be a nuisance.

Rule 21.

This rule reproduces rule 1 of Schedule XVI to the existing Act, but has been made applicable to service-urinals as well as to service-privies. Sub-rule (3) prohibits as a general rule the construction of such privies or urinals in the class of premises mentioned therein.

Rules 22 to 34 and 36 to 38.

These rules reproduce the provisions of rules 2 to 13, and rules 14 to 16, respectively, of Schedule XVI to the existing Act; but in the reproduced rules, whenever it has been considered necessary, provisions which apply to service-privies have been made applicable to service-urinals, and provisions which apply to connected-privies have been made applicable to connected-urinals.

Rule 35.

This rule is based on by-law No. 14 of the existing Municipal Drainage By-laws and provides for a syphon-trap and anti-syphonage pipe for every connected-privy and connected-urinal.

Rule 39.

This rule provides for an appeal against the orders of the Commissioner in the cases mentioned therein.

SCHEDULE XV.

This Schedule reproduces (with a few minor modifications) the provisions of sections 339, 340 and 344 to 349 of Chapter XXIII of the existing Act, which it is thought, may more suitably be transferred to a separate Schedule. It is proposed to vest the executive functions of the General Committee under these sections in the Commissioner. Provision for appeal from certain orders of the Commissioner under the Schedule as revised has been made in Rule 9.

SCHEDULE XVI.

Rule 1.

Clause (4) reproduces rule 1 (4) of Schedule XVII to the existing Act, with a new provision the effect of which will be that the owner will have to satisfy the Commissioner that he will drain the site, when such a course is considered necessary, before the erection of a building.

Rule 2.

Sub-rule (2) empowers the Commissioner to charge a maximum fee of 10 rupees for a certificate granted by him as to the correctness of the plans of a previously existing building on the site of which a new building is to be erected. It is necessary to make a careful survey before such a certificate can be granted, and it is only right that a fee should be levied.

Rule 3.

Proviso (i) modifies the provisions of proviso (i) to rule 2 of Schedule XVII to the existing Act. This modification has been recommended by a Committee of experts (to whom the revised draft of the Schedule was submitted) who were of opinion that the fact that two streets meet should not affect the height of buildings situated in either of them.

Proviso (ii) provides for a case which is not dealt with anywhere in the existing Act. It is obviously undesirable that a building at the end of a street should be allowed to be erected to any height irrespective of the width of the street. The effect of this proviso will be to place such a building in the same category as buildings situated at the side of a street.

Sub-rule (4) limits the "return-front" of a building to 40 feet which was the former limit. It also makes the very necessary provision that the height on the narrower street shall not exceed the height permissible on the wider street.

Sub-rules (5) and (6), read with rule 3(3), make the width of streets in which two-storeyed buildings are permissible 16 feet instead of 12 feet, as under the existing rules. A width of 12 feet is considered inadequate for a two-storeyed building. It is also intended to provide for the setting back of buildings with reference to a centre line in narrow streets. The existing rules permit the zig-zag widening of a street which is of very little value and also allow the owner of a site abutting on a street which has not been built upon to benefit at the expense of the owner of the opposite site who builds first.

Rule 5.

This rule introduces the very necessary and desirable provision that for public safety all buildings of three or more storeys, all public buildings and all buildings of the warehouse class should be provided with sufficient and proper means of escape for use in the event of fire breaking out in such buildings.

Rule 6.

This rule, which prohibits the erection of certain buildings within six feet of a service-privy or service-urinal, is in effect a sanitary regulation and should be read together with the provisions of rule 21(2) of Schedule XIV of which it is the converse.

Rule 7.

This rule reproduces the provisions of section 368 of the existing Act. The reference to the area added by the Calcutta Municipal Consolidation Act in sub-section (4) of that section has been omitted as being no longer necessary.

Ben. Act
of 1888.

Rule 18.

The new definition of "building" includes boundary walls more than eight feet in height. In some cases, however, it is necessary, in order to secure the privacy of a building, to allow boundary walls to be built to a greater height than eight feet. This rule is intended to provide for such a case.

Rule 19.

This rule reproduces the provisions of section 380 of the existing Act.

Rule 20.

This rule corresponds to section 381 of the existing Act, but introduces a new provision based upon the City of Bombay Municipal Act, 1888, which requires that the licensed building surveyor or other competent person employed to supervise the erection of a building shall send a "building completion certificate", in the prescribed form to the Commissioner.

Bom. Act III
of 1888.

Rules 21 and 22.

These rules correspond to sections 382 and 383 of the existing Act, with certain minor modifications.

Rule 23.

This rule corresponds to rule 17 of Schedule XVII to the existing Act, with an alteration in the wording intended to have the effect of preventing the open space within the site of a dwelling-house from being taken as part of the site of another building at any future time.

Rule 25.

This rule corresponds to rule 20 of Schedule XVII to the existing Act, with modifications intended to provide better ventilation for rooms in domestic buildings by means of doors and windows. Provision is also made for ventilating openings near the ceiling and power is given to the Commissioner to relax the rules as to the height and superficial area of such rooms in particular cases.

Rule 29.

This rule corresponds to rule 21 of Schedule XVII to the existing Act, but a new principle is introduced for determining the minimum area of court-yards of dwelling-houses. The proviso to sub-rule (4) empowers the Commissioner to relax the provisions of the sub-rule in cases in which two-thirds of the site are left vacant, and the phrase "opposite face of the house" has been explained in sub-rule (5). Sub-rule (6) is taken from the London Building Act and allows some relaxation of the court-yard angle in certain circumstances.

57 & 58 Vict.
c. ccciii, s. 45.

Rule 30.

The wording of rule 22 of Schedule XVII to the existing Act has been recast and the rule has been modified so that when there are two or more buildings on one site, back space must be left at the rear of each building. This is obviously necessary, particularly as it frequently happens that such buildings are ultimately separately occupied. The principle adopted in rule 3 (5) and (6) in respect of the street angle has also been incorporated in rule 30 (4).

Rule 32.

Sub-rule (2) corresponds to rule 24(2) of Schedule XVII to the existing Act, but a new provision is introduced which requires that the minimum width of the open space at the side of a building shall be increased for every storey after the second. It is also provided that the distance between two adjacent buildings must in every case be at least six feet.

Rules 35 and 36.

These rules introduce provisions intended to ensure that an open space prescribed for a building under the building rules shall permanently remain as such and form part of the site of the building, and shall not include land which is to be acquired by, or made over to, the Corporation or which at any future time is to be taken as part of the site of another building.

Rule 38.

The effect of this new rule will be to prevent the use of a newly-erected building (other than a hut) as a dwelling-house until it is certified to be fit for human habitation.

Rule 42.

This rule reproduces the provisions of rule 29B of Schedule XVII of the existing Act, with an alteration in the wording which makes it clear that the open space required by this rule must be an additional open space.

Rule 53.

This rule corresponds to section 369 of the existing Act.

Rule 54.

This rule corresponds to section 370 of the existing Act, with the provisions so modified as to require only one application (coupled with a site-plan) to be sent to the Commissioner for the erection of a building, and not, as under the existing law, a separate application for approval of the site.

Rule 55.

This rule amalgamates the provisions of rules 30 and 31 of Schedule XVII to the existing Act in view of the changes in rule 54, as a result of which only one application will henceforward be necessary.

Rule 56.

This rule reproduces the provisions of rule 33 of Schedule XVII to the existing Act, but makes the additional requirement that all plans, etc., submitted under rule 54, should also be signed by the licensed building surveyor who prepares them.

Rule 57.

This rule (which explains itself) introduces new provisions based on section 344A of the City of Bombay Municipal Act, 1888.

Bom. Act 111
of 1888.

Rule 58.

This rule corresponds to rule 34 of Schedule XVII of the existing Act, but the provisions of sub-rule (2) of that rule have not been included as it is not proposed to require, under the Bill, an application for approval of a site.

Rules 59 to 61.

These rules correspond to sections 374, 376 and 377 of the existing Act, respectively, with certain modifications. Rule 59 provides for conditional sanctions to meet cases in which the owner undertakes to carry out some work required by the rules, but cannot do so until such work is actually commenced or completed. By clause (3) of rule 61 it is proposed to empower the Chairman to refuse permission for the erection of a new building in cases in which such building falls within the street alignment or building-line of a street projected under the Calcutta Improvement Act and the permission of the Chairman of the Improvement Trust for the erection of the building has not been obtained [See also rule 88 (3).]

Bom. Act 7
of 1911.

Rule 63.

This rule reproduces the provisions of section 375 of, and of rule 36 of Schedule XVII to, the existing Act, with certain modifications.

Rules 64 and 65.

These rules reproduce the provisions of sections 372 and 378 of the existing Act, respectively.

Rule 66.

Sub-rule (1) corresponds to section 379 of the existing Act, but it is thought desirable to provide that a permission to erect a building is to

be considered to have lapsed unless a substantial portion of the building has been completed within one year from the date on which its erection was sanctioned. Under the existing law an owner sometimes lays the foundation of a building, or part of it, within one year and then abandons the work indefinitely. It is then contended,—perhaps several years later when the conditions have possibly changed materially,—that the sanction has not lapsed; and it is then difficult to ascertain whether the building was actually commenced within a year from the date of sanction or not.

Sub-rule (2) enables an owner within one year from the date on which permission to erect a building was given to obtain a certificate to the effect that a substantial portion of the building has been constructed.

Sub-rule (3) introduces provisions which will cause the permission to erect a masonry building granted before the commencement of the existing Act to lapse if the building has not been completed when the present Bill becomes law. Such a provision seems eminently reasonable seeing that ample time has elapsed since the 1st April, 1900, to allow of the erection of all buildings sanctioned before that date, and the building rules have, moreover, changed materially since then.

Rule 67.

This rule introduces provisions which are much needed, especially in such cases as when an owner misrepresents the boundaries of his land and includes in the site of his proposed building land which belongs to another person.

Rule 68.

This rule corresponds to rule 37 of Schedule XVII to the existing Act, but a new sub-rule has been added empowering the Commissioner to prescribe alignments for huts on any vacant land if he is of opinion that huts are likely to be erected on such land. The object of this rule would, to a great extent, be frustrated if alignments could not be prescribed until after the huts are erected.

Rule 76.

This rule introduces provisions which prohibit the placing of a hut used for human habitation within six feet of a cow-house, cattle-shed or stable, and is intended to prevent occupiers of a hut from using a part of it as a cow-house, cattle-shed or stable.

Rule 79.

This rule corresponds to rule 46 of Schedule XVII to the existing Act, but prescribes that the floor of a hut must be of some impermeable material. It is thought highly desirable on sanitary grounds to improve the structure of huts in Calcutta.

Rule 80.

This rule reproduces the provisions of rule 46A of the existing Schedule XVII, but further prescribes the minimum opening to be provided by windows in every room in a hut.

Rules 82, 86, 87 and 88.

These rules correspond to sections 384, 386, 388 and 389, respectively, of the existing Act, with certain modifications. The provisions of these sections deal with applications for permission to erect huts, as well as the granting or refusal of such applications, and may conveniently be incorporated in this Schedule.

Rule 85.

This rule empowers the Commissioner to employ a licensed building surveyor to prepare plans for a hut on behalf of any person who applies to him. This rule, it is hoped, may result in the protection of ignorant and illiterate persons from incompetent or unprincipled plan-makers.

Rules 90 and 91.

These rules respectively reproduce the provisions of sections 385 and 390 of the existing Act which relate to the erection of huts without written permission and the lapse of such permissions.

Rule 93.

This rule is intended to provide against a serious evil which the existing law cannot prevent. Additional storeys may, under the law as it stands at present, be added to existing structures which infringe the building rules, thereby making them more insanitary than before.

Rule 96.

This rule provides for an appeal to the Buildings Appeals Committee against any notice issued or order made by the Commissioner under this Schedule. It is thought desirable that, if a special Buildings Appeals Committee is constituted on the lines laid down in clauses 10 and 16 of the Bill, an appeal should lie to it against all orders of the Commissioner under this Schedule.

SCHEDULE XVII.

Rules 1 to 6.

These rules reproduce the provisions of sections 439 to 443, and section 446, of the existing Act, respectively, with certain minor alterations.

Rule 7.

Sub-rule (1).—The provisions of sub-section (1) of section 447 of the existing Act have been somewhat amplified by the inclusion therein of pools, ditches, etc., which the Commissioner may require to be treated in the same way as wells, tanks, etc., which have hitherto been dealt with under section 447 (1). The Commissioner is further empowered to take steps to prevent any such place from becoming a nuisance or a menace to public health. A similar provision (having direct reference to the destruction of breeding-places for mosquitoes) is to be found in section 381 of the City of Bombay Municipality Act, 1888, as amended by Bombay Act VI of 1913.

Rule 8.

This rule reproduces the provisions of section 448 of the existing Act with certain minor modifications.

Bom. Act
III of 1888, s.
381, as amend-
ed by Bom.
Act VI of
1913.

Rule 9.

By this rule it is proposed to allow an appeal to the General Appeals Committee from certain notices issued, and action taken, by the Commissioner under this Schedule.

SCHEDULE XVIII.

"This Schedule is similar in almost all respects to the corresponding Schedule of the existing Act. It will be observed, however, that it is proposed to allow cotton which has been pressed into bales to be stored in unlicensed premises and that two or three additions (*e. g.*, grain, steel and tobacco) have been made to the list in clause (8) of the Schedule.

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SCHEDULE XIX.

This Schedule corresponds almost exactly to Schedule XIX of the existing Act. The changes made in the column headings are purely verbal.

SCHEDULE XX.

This Schedule is identical with the corresponding Schedule XX of the existing Act, except that some verbal changes have been made in the column headings.

SCHEDULE XXI.

This Schedule almost exactly represents the corresponding Schedule XXI of the existing Act, the changes made being purely formal.

SCHEDULE XXII.

As it is proposed in the Bill to abolish the General Committee, it becomes necessary to prescribe how the references to that body in the Calcutta Improvement Act, 1911, are to be construed. This Schedule will provide the simplest method of effecting the end in view.

Ben. Ac
of 1911

THE CALCUTTA MUNICIPAL BILL, 1917.

Table showing the mode in which the provisions of the Calcutta Municipal Act, 1899 (Ben. Act III of 1899), as modified up to date, are dealt with by the Bill, together with notes explaining omissions, transfers of sections, etc.

1	2	3
Ben. Act III of 1899.	BILL.	REMARKS.
Section 1	Clause 1.	
" 2	" 2	Section 2 (1).—Omitted as being spent.
" 3	" 3	Section 3 (5), (a) and (b).—Omitted so as to make the definition of <i>bustee</i> include any plot, whatever its area may be. Section 3 (6)—" <i>bustee land</i> ".—Some confusion has arisen from this definition in assessing the rate in the case of huts which are owned by the owner of the land in a <i>bustee</i> , and it is therefore proposed to omit it. [See note on clause 176 in the " <i>Notes on Clauses</i> ".] Section 3 (39)—" <i>re-erect</i> ".—The definition of " <i>new building</i> " in clause 3 (36) will take the place of this definition.
" 4	" 4.	
" 5	" 5.	
" 6	" 6.	
" 7	" 7.	
" 8	" 8.	
" 9	.....	} Omitted. It is proposed to abolish the General Committee.
" 10	.....
" 11	Clause 11.	
" 12	" 12	Section 12 (2).—Omitted as unnecessary in view of the proposed clause 12 which provides for a consolidated salary being paid to the Commissioner.
" 13	" 13.	
" 14	" 14	Section 14 (1).—Omitted as being no longer required in view of the fact that the works mentioned therein have now received their full share of attention, and it is not considered necessary any longer to make it obligatory on the Corporation to devote certain fixed sums of money every year for carrying out the same.
" 15	" 17.	
" 16	" 18.	
" 17	" 19	Section 17 (2) and (3).—Omitted as, in view of the proposed abolition of the General Committee, the procedure has been simplified. [See clause 19 (2), (3) and (4).]
" 18	" 20.	
" 19	" 21.	
" 20	" 22.	
" 21	" 23.	
" 22	" 24.	
" 23	" 25.	

1		2	3
Ben. Act III of 1899.		Bill.	REMARKS.
Section 24	...	Clause 26.	
" 25	...	.....	Omitted as it is proposed to abolish the post of Vice-Chairman.
" 26	...	Clause 27.	
" 27	...	" 28.	
" 28	...	" 29.	
" 29	...	" 30 (1).	
" 30	...	" 30 (2).	
" 31	...	" 31.	
" 32	...	" 32.	
" 33	...	" 33.	
" 34	...	" 34.	
" 35	...	" 35	Section 35 (5).—Omitted. [See remarks against section 25.]
" 36	...	" 37.	
" 37	...	" 38.	
" 38	...	" 42.	
" 39	...	" 59.	
" 40	...	" 60.	
" 41	...	" 61.	
" 42	...	.....	Omitted as provision is made in the proviso to clause 1 (3) for the holding of first elections.
" 43	...	Clause 40	Section 43 (2).—Omitted. An alteration of the boundaries of wards is undesirable, as it would affect not only the elections but also the assessment periods for the wards and would, it is thought, give rise to many difficulties. Section 43 (4).—Omitted. It is proposed to abolish plural voting.
" 44	...	" 39	Section 44 (3).—Omitted as its provisions are included in the proposed second proviso to clause 39. Section 44 (4).—Omitted as unnecessary in that clause 39 provides that the persons mentioned shall vote either in the ward in which they reside or in the ward in which they pay the tax.
" 45	...	.....	Omitted.
" 46	...	.....	Omitted, as it is proposed to abolish plural voting.
" 47	...	.....	Ditto ditto ditto.
" 48	...	.....	Ditto ditto ditto.
" 49	...	.....	Ditto ditto ditto.
" 50	...	.....	Ditto ditto ditto.
" 51	...	.....	Omitted as unnecessary in view of the definition of "person" in section 3 (32) of the Bengal General Clauses Act, 1899 (Ben. Act I of 1899).
" 52	...	Clause 50.	
" 53	...	" 51	Section 53 (1).—Omitted as unnecessary in view of the provisions of clause 51 (1).

1	2	3
Ben. Act III of 1889.	Bill.	REMARKS.
Section 54	... Clause 52.	
" 55	... " 53.	
" 56	... " 54.	
" 57	... " 55.	
" 58	... " 56.	
" 59 (1)	... " 57.	
" 59 (2)	... " 58.	
" 60	... " 62.	
" 61	... " 63.	
" 62	... " 64.	
" 63	... " 65	... Section 63 (3).—Omitted. [See remarks against section 9.]
" 64	... ..	Omitted as being included in the proposed clause 65.
" 65	... Clause 66	... Section 65 (2) proviso.—Omitted as the proposed clause 66 (2) renders it unnecessary.
" 66	... " 67.	
" 67	... " 68.	
" 68	... " 69.	
" 69	... " 70.	
" 70	... " 71.	
" 71	... " 72.	
" 72	... " 73.	
" 73	... " 74.	
" 74	... " 75	... Section 74 proviso (b).—Omitted as unnecessary in view of the proposed clause 66 (1).
" 75	... " 76.	
" 76	... " 77.	
" 77	... " 78.	
" 78	... " 81	... Section 78 (1).—Omitted as unnecessary in view of the proposed clause 81.
" 79	... " 82.	
" 80	... ..	Omitted. The proposed clause 86 entitles the Commissioner to attend at meetings of the Corporation.
" 81	... Clause 83.	
" 82	... " 84.	
" 83	... " 85.	
" 84	... " 86.	
" 85	... " 87.	
" 86	... " 88	... Section 86 (2) (c).—Omitted. It is proposed that the Commissioner should deal with all contracts and tenders up to Rs. 5,000. The proposed clause 88 (2) (c) provides that contracts above Rs. 5,000 shall be sanctioned by the Corporation.

1	2	3
Ben. Act III of 1909.	Bill.	REMARKS.
Section 87	... Clause 89.	
" 88	... " 90.	
" 89	... " 91.	
" 90	... ..
" 91	... ..
" 92	... ..	} Omitted. [See remarks against section 9.]
" 93	... ..
" 94	... ..
" 95	... Clause 98	
		Section 95 (2).—Omitted as unnecessary in that clause 15 provides for a General Appeals Committee to have appeals from proceedings of the Commissioner.
		Section 95 (3).—Omitted as unnecessary in view of the provisions of clauses 100, 101 and 102.
		Section 95 (5).—Omitted as unnecessary in view of the proposed abolition of the General Committee.
" 96	... " 99	Section 96 (2).—Omitted as unnecessary in view of the proposed clause 99 (1).
		Section 96 (4).—Omitted as unnecessary in view of the proposed clause 98 (3).
" 97	... " 100	Section 97 (2).—Omitted as unnecessary in view of the provisions of the proposed clause 100.
" 98	... " 101.	
" 99	... " 102.	
" 100	... ..	Omitted as it is proposed to abolish the payment of fees to Councillors for attendance at Special or Standing Committee meetings.
" 101	... ..	Omitted as unnecessary in view of the proposed abolition of the General Committee.
" 102	... Clause 103.	
" 103	... Clauses 104 and 105.	Section 103 (1).—Omitted as it is proposed to amalgamate the different Municipal Funds so as to have only one Municipal Fund.
" 104	... ..
" 105	... ..
" 106	... ..
" 107	... ..	} Omitted. [See remarks against section 103.]
" 108	... ..
" 109	... ..
" 110	... ..
" 111	... Clause 106.	
" 112	... " 107.	
" 113	Omitted as it is proposed to restrict the payment of monies into the Bank of Bengal.
" 114	... Clause 108	Section 114 (1) (b).—Omitted. [See remarks against section 100.]

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1	2	3
Sec. Act III of 1899.	Bill.	REMARKS.
Section 115	... Clause 109.	
" 116	... " 110.	
" 117	... " 111.	
" 118	... " 112.	
" 119	... " 113	... Section 119 (3).—Omitted as the proposed clause 113 (1) provides that all surplus moneys may be deposited in the Bank of Bengal or invested in certain securities or debentures.
" 120	... " 114.	
" 121	... " 115	... Section 121 (2) (d).—Reproduced in clause 115 (1) (d).
" 122	... ..	} Omitted as unnecessary in view of the proposed abolition of the General Committee and in view of the provisions of the proposed clauses 114 and 115 which prescribe the procedure for the preparation, consideration and adoption of the Budget Estimate.
" 123	... ..
" 124	... ..
" 125	... ..
" 126	... Clause 116.	
" 127	... " 117.	
" 128	... " 118.	
" 129	... " 119.	
" 130	... " 120.	
" 131	... " 121.	
" 132	... " 122.	
" 133	... " 123.	
" 134	... " 124.	
" 135	... " 125.	
" 136	... " 126.	
" 137	... " 127.	
" 138	... " 128.	
" 139	... " 129.	
" 140	... " 130.	
" 141	... " 131.	
" 141A	... " 132.	
" 141B	... " 133.	
" 141C	... " 134.	
" 141D	... " 135.	
" 141E	... " 136.	
" 141F	... " 137.	
" 141G	... " 138.	
" 141H	... " 139.	

1	2	3
Ben. Act III of 1900.	Bill.	REMARKS.
Section 142	Clause 140.	
" 143	" 141	Section 143 (3).—Omitted as it has for some time been the practice for the auditors under the Accountant-General, Bengal, to audit the municipal accounts free of charge.
" 144	" 142.	
" 145	" 143.	
" 146	" 144.	
" 147	" 145	Section 147 (a), (b), (c) and (d) and proviso.—Omitted as it is proposed to abolish the different rates and to levy a consolidated rate as is now done in actual practice under section 149 of the existing Act. The proposed clause 145 provides for the levy of such a rate.
" 148	" 146.	
" 149	.....	Omitted. [See remarks against section 147.]
" 150	Clause 147.	
" 151	" 148.	
" 152	" 149	Section 152 (2) (a).—Omitted as it is proposed to do away with the Chairman's power under section 154 of the existing Act to divide Calcutta into districts for purposes of valuation. In practice, valuations are always made by wards.
" 153	" 150.	
" 154	" 151.	
" 155	" 152.	
" 156	" 153.	
" 157	" 154.	
" 158	" 155.	
" 159	.....	Omitted as it is proposed to abolish the Chairman's power to make annual valuations of <i>bustee</i> land or waste or agricultural land.
" 160	Clause 156	Section 160 (2) (b).—Omitted. [See remarks against section 159.]
" 161	" 157.	
" 162	" 158.	
" 163	" 159.	
" 164	" 160.	
" 165	" 161.	
" 166	} Omitted. Provisional registration is never resorted to and these sections have proved a dead letter.
" 167	
" 168	Clause 163.	
" 169	" 164.	
" 170	" 165.	
" 171	" 166.	
" 172	" 167.	
" 173	" 168.	

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1	2	3
Ben. Act III of 1899.	Bill.	REMARKS.
Section 174	... Clause 169.	
" 175	... " 170.	
" 176	... " 171.	
" 177	... " 173.	
" 178	... " 174.	
" 179	... " 175.	
" 180	... " 176.	
" 181	... " 177.	
" 182	... ..	Omitted in view of the provisions of the proposed clause 176.
" 183	... ..	Omitted as unnecessary.
" 184	... Clause 178	
" 185	... " 179.	
" 186	... " 180.	
" 187	... " 181.	
" 188	... " 182	... Section 188 (1) (a).—Omitted as in some cases the diameter of the wheels of motor-cars do not exceed 24 inches.
" 189	... " 183.	
" 190	... " 184.	
" 191	... " 185.	
" 192	... " 186.	
" 193	... " 187.	
" 194	... " 188.	
" 195	... " 189.	
" 196	... " 190.	
" 197	... ..	Omitted as unnecessary. All the information required is contained in the Demand Registers kept in the Municipal Office.
" 198	... Clause 193.	
" 199	... " 194	... Section 199 (1) (a), (b) and (d).—Omitted as unnecessary in view of the general provisions of the proposed clause 501 (1) read with section 3 (32) of the Bengal General Clauses Act, 1899 (Ben. Act I of 1899). Section 199 (2).—Omitted as unnecessary in view of the general provisions of the proposed clause 501 (1).
.....	
Section 200	... Clause 195.	
" 201	... " 196.	
" 202	... ..	Omitted. [See remarks against section 197.]
" 203	... Clause 197.	
" 204	... " 198	... Section 204 (1) (a), (b) and (c).—Omitted as unnecessary in view of the general provisions of the proposed clause 501 (1).
" 205	... ..	Omitted. [See remarks against section 197.]
" 206	... Clause 199.	

1	2	3
Ben. Act III of 1899.	Bill.	REMARKS.
Section 207	... Clause 200.	
" 208	... " 201.	
" 209	... " 202	... Section 209 (4).—Reproduced in clause 204.
" 210	... ..	Reproduced in clause 201 (3) and (4).
" 211	... Clause 205.	
" 212	... " 206.	
" 213	... " 207.	
" 214	... " 208.	
" 215	... " 209.	
" 216	... " 210.	
" 217	... " 211.	
" 218	... " 212.	
" 219	... " 213.	
" 220	... " 214.	
" 221	... " 215.	
" 222	... " 217.	
" 223	... " 218.	
" 224	... " 219.	
" 225	... " 220.	
" 226	... " 221.	
" 227	... " 222.	
" 228	... " 223.	
" 229	... " 224.	
" 230	... " 225.	
" 231	... " 226.	
" 232	... " 227.	
" 233	... " 228.	
" 234	... " 230.	
" 235	... " 231.	
" 236	... " 232.	
" 237	... " 233.	
" 238	... " 234.	
" 239	... ..	Omitted as unnecessary in view of the proposed clause 234 which embodies the provisions relating to bathing platforms; but the provisions as to the supply of unfiltered water are omitted as it is proposed to supply only filtered water for bathing purposes.
" 240	... Clause 235.	
" 241	Omitted as no longer necessary in view of the fact that the former intermittent system of water-supply has now been made constant, though the pressure at night is low.

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1	2	3
Ben. Act III of 1899.	Bill.	REMARKS.
Section 242	... Clause 236.	
" 243	... " 237.	
" 244	... " 238.	
" 245	Reproduced in the proposed clause 238 (2).
" 246	... Clause 239.	
" 247	... " 240	... Section 247 (1).—Omitted as the substitution of unfiltered water in privies and urinals for flushing purposes is now complete.
" 248	... " 241.	
" 249	... " 242.	
" 250	... " 243.	
" 251	... " 244.	
" 252	... ..	Omitted as unnecessary.
" 253	... Clause 246.	
" 254	... " 248.	
" 255	... " 249.	
" 256	... Schedule XIII, rule 1.	
" 257	... " " " 2.	
" 258	... " " " 3	Section 258 (2).—Omitted as unnecessary.
" 259	... " " " 4.	
" 260	... " " " 5.	The provision as to the recovery of costs in section 260 (4) is omitted in view of the general provisions of the proposed clause 529.
" 261	... " " " 6.	
" 262	... } " " " 7.	
" 263	... }	
" 264	... " " " 8.	
" 265	... Clause 252.	
" 266	... ..	Omitted as being covered by clause 481 (8).
" 267	... ..	Omitted. [See remarks against section 241.] The block-meter system has long been abandoned.
" 268	... ..	Omitted. [See remarks against section 266.]
" 269	... Clause 254	... Section 269. Explanation.—Omitted as unnecessary.
" 270	... " 255	... Section 270 (2), (4) and (5).—Omitted. [See remarks against section 267.]
" 271	... " 256.	
" 272	... ..	Omitted. [See remarks against section 260.]
" 273	... Clause 257.	
" 274	... Schedule XIII, rule 9.	
" 275	... " " " 11.	
" 276 (1)	... " " " 12.	
" 276 (2)	... Clause 259 (2).	
" 277	... Schedule XIII rule 13.	

1	2	3
Gen. Act III of 1909.	Bill.	REMARKS.
Section 278	... Clause 260.	
" 279	... " 261.	
" 280	... " 262.	
" 281	... " 263.	
" 282	... " 245.	
" 283	... " 264	... Section 283 (1) (f).—Omitted in view of the provisions of the proposed rule 7 (2) of Schedule XIII to the Bill.
" 284	... " 265.	
" 285	... " 266.	
" 286	... " 267.	
" 287	... " 268.	
" 288	... " 269.	
" 289	... " 270.	
" 290	... " 271	... Section 290 (2).—The power of entry given to the Chairman by this sub-section is omitted as unnecessary in view of the provisions of clause 510.
" 291	... ..	Omitted as being reproduced in the proposed clause 271.
" 292	... Clause 272.	
" 293	... " 273.	
" 294	... " 274.	
" 295	... " 275.	
" 296	... " 276.	
" 297	... " 277.	
" 298	... " 278.	
" 299	... " 279.	
" 300	... " 280.	
" 301	... " 281	... Section 301 (3).—Omitted as being reproduced in the proposed clause 282 (2).
" 302	... " 282 (1).	
" 303	... Schedule XIV, rule 17.	
" 304	... ..	Omitted as being reproduced in the proposed clause 297.
" 305	... Schedule XIV, rule 14.	
" 306	... Clause 283.	
" 307	... " 284	... Section 307 (3).—Omitted as unnecessary in view of the general provisions of clauses 304 and 513.
" 308	... " 285.	
" 309	... " 286	
" 310	... " 287	... Section 310 (1).—The provision for fees for licensees has been omitted as being covered by the general provisions of clause 501 (2).
" 311	... " 288.	Section 310 (2).—Omitted as unnecessary in view of the general provisions of the proposed clause 529.
" 312	... " 289.	
" 313	... " 290.	

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1	2	3
Ben. Act III of 1899.	Bill.	REMARKS.
Section 314 ...	Clause 291.	
" 315	Omitted as being covered by the provisions of the proposed clause 303.
" 316 ...	Clause 292.	
" 317 ...	" 293.	
" 318 ...	" 294.	
" 319 ...	" 295.	
" 320 ...	" 296.	
" 321 ...	" 299.	
" 322 ...	Schedule XIV, rule 16 (1).	
" 323 ...	Clause 300.	
" 324 ...	" 301.	
" 325 ...	.....	Omitted as its provisions are covered by the proposed clauses 297 and 298.
" 326 ...	Clause 305.	
" 327 ...	" 306 ...	Section 327 (1) (ii).—Omitted as being covered by the provisions of the proposed clause 484. Section 327 (1) (iii).—Omitted as being covered by the proposed rule 39 of Schedule XIV. Section 327 (2).—Omitted. [See remarks against section 9.]
" 328 ...	.....	Section 328 (1) and (2).—Omitted as being reproduced in the proposed clause 302. Section 328 (3).—Omitted as being covered by the general provisions of clause 513 (2).
" 329 ...	Clause 307.	
" 330 ...	" 308.	
" 331 ...	" 309.	
" 332 ...	" 310.	
" 333 ...	" 311 ...	Section 333 (2).—Omitted as being superfluous.
" 334 ...	" 312.	
" 335 ...	" 313.	
" 336 ...	" 315 (1).	
" 337 ...	" 316.	
" 338 ...	" 317 ...	Section 338 (2).—Omitted in view of the fact that in practice it has never been found necessary to resort to these provisions. It is, moreover, proposed to abolish the General Committee.
" 339 ...	Schedule XV, rule 1.	
" 340 ...	" " " 2.	
" 341 ...	Clause 319.	
" 342 ...	" 320.	
" 343 ...	.....	Omitted as being covered by the provisions of the proposed rules 4 and 7 of Schedule XVII to the Bill.
" 344 ...	Schedule XV, rule 3.	
" 345 ...	" " " 4.	

1 Ben. Act III of 1893.	2 Bill.	3 REMARKS.
Section 346	... Schedule XV, rule 5.	
" 347	... " " " 6.	
" 348	... ..	Omitted as being covered by the provisions of the proposed clause 315 (2) and the proposed rule 7 of Schedule XV to the Bill.
" 349	... Schedule XV, rule 8	Section 349 (3).—Omitted as it is now the practice for the Corporation to maintain and replace numbers affixed to premises.
" 350	... Clause 321.	
" 351	... " 322.	
" 352	... " 323.	
" 353	... " 324.	
" 354	... " 325.	
" 355	... " 326.	
" 356	... " 327	Section 356 (3).—Omitted as now unnecessary in view of the establishment of the Calcutta Improvement Trust. Section 356 (4).—Omitted as, in the case of projected public streets, it is proposed that the Corporation should acquire in the ordinary way and not take possession, as provided in this sub-section, of all land which they may find it necessary to take.
" 357	... " 329	Section 357 (2), provisos (3), (4), (5), and (6).—Omitted as being covered by the provisions of the proposed clauses 330, 331 and 332.
" 358	... " 333.	
" 359	... " 334.	
" 360	... " 335.	
" 361	... " 336.	
" 362	... " 337.	
" 363	... " 339.	
" 364	... ..	} Omitted as these sections have never been worked. It is proposed to deal with the question of the development of building-sites in a separate Bill. [See para. XIII of the Statement of Objects and Reasons.]
" 365	... ..
" 366	... ..
" 367	... Clause 344	Section 367 (1) (i).—Omitted as the erection of continuous buildings is dealt with in the rules in Schedule XVI to the Bill.
" 368	... Schedule XVI, rule 7.	
" 369	... XVI, rule 53.	
" 370	... XVI, rule 54.	
" 371	... ..	Omitted as unnecessary in view of the provisions of the proposed rule 54 of Schedule XVI to the Bill.
" 372	... Schedule XVI, rule 64.	
" 373	Omitted in view of the provisions of the proposed rules 54 and 59 of Schedule XVI to the Bill.
" 374	... Schedule XVI, rule 59.	Section 374, provisos.—Omitted as unnecessary.

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Ben. Act III of 1899.	Bill.	REMARKS.
Section 375	Omitted in view of the provisions of the proposed rule 63 of Schedule XVI to the Bill.
" 376	.....	Omitted in view of the provisions of the proposed rule 60 of Schedule XVI to the Bill.
" 377	Schedule XVI, rule 61.	
" 378	" XVI, rule 65.	
" 379	" XVI, rule 66 (1).	
" 380	" XVI, rule 19.	
" 381	" XVI, rule 20.	
" 382	" XVI, rule 21.	
" 383	" XVI, rule 22.	Section 383 (4).—Omitted as being covered by the proposed rule 96 of Schedule XVI to the Bill.
" 384	" XVI, rule 82.	
" 385	" XVI, rule 90.	
" 386	" XVI, rule 86.	Section 386 proviso.—Omitted as unnecessary.
" 387	.....	Omitted in view of the provisions of the proposed rule 89 of Schedule XVI to the Bill.
" 388	.....	Omitted in view of the provisions of the proposed rule 87 of Schedule XVI to the Bill.
" 389	Schedule XVI, rule 89.	
" 390	" XVI, rule 91.	
" 391	Clause 348	Section 391 (1).—Omitted as unnecessary. Section 391 (2), provisions (a), (b) and (c).—Omitted in view of the provisions of the proposed clause 348. Section 391 (3).—Omitted. [See remarks above.] Omitted in view of the provisions of the proposed clauses 322 and 328.
" 392	.....
" 393	Clause 349.	
" 394	" 474.	
" 395	" 475.	
" 396	" 476.	
" 397	" 477.	
" 398	" 351.	
" 399	" 352.	
" 400	" 353.	
" 401	" 354.	
" 402	" 355.	
" 403	" 356.	

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1			2		3	
Gen. Act III of 1898.			Bill.		REMARKS.	
Section	404	...	Clause	357.		
"	405	...	"	358.		
"	406	...	"	359.		
"	407	...	"	360.		
"	408	...	"	361.		
"	409	...	"	362	...	Section 409 (1).—Omitted, as, in view of the proposed abolition of the General Committee, all requisitions by notice will, in default, be carried out by the Commissioner as provided in clause 513.
"	410	...	"	363.		
"	411	...	"	364.		
"	412	...	"	365.		
"	413	...	"	366.		
"	414	...	"	367.		
"	415	...	"	368.		
"	416	...	"	369.		
"	417	...	"	372.		
"	418	...	"	373.		
"	419	...	"	374.		
"	420	...	"	378	...	Section 420 (2).—Omitted as being covered by the general provisions of clause 529.
"	421	...	"	379.		
"	422	...	"	384.		
"	423	...	.....			Omitted in view of the proposed relegation of the provisions of these sections to by-laws. [See clause 481 (27).]
"	424	...	.....	
"	425	...	.....	
"	426	...	.....	
"	427	...	Clause	385.		
"	428	...	"	393.		
"	429	...	"	386 (1) and (2).		
"	430	...	"	387	...	Section 430 (3).—Omitted as being covered by the provisions of the proposed clause 393.
"	431	...	"	388		
"	432	...	.....			Omitted in view of the proposed relegation of the provisions of this section to by-laws. [See clause 481 (28).]
"	433	...	Clause	386 (3).		
"	434	...	.....			Omitted. [See remarks against section 432.]
"	435	...	Clause	389.		
"	436	...	.....			Omitted. [See remarks against section 433.]
"	437	...	Clause	390.		
"	438	...	"	391.		

1	2	3
Sec. Act III of 1892.	IMP.	REMARKS.
Section 439	... Schedule XVII, rule 1.	
" 440	... " " " 2.	
" 441	... " " " 3.	
" 442	... " " " 4.	
" 443	... " " " 5.	Section 443 (2).—Omitted in view of the provisions of the proposed clause 529.
" 444	... Clause 397 (1) and (3).	
" 445	... " 400.	
" 446	... Schedule XVII, rule 6.	
" 447	... " " " 7.	Section 447 (4).—Omitted in view of the provisions of the proposed rule 9 of Schedule XVII to the Bill.
" 448	... " " " 8.	Section 448 (3).—Omitted as unnecessary in view of the provisions of the proposed rule 7 of Schedule XVII to the Bill.
" 449	... Clause 381.	
" 450	... " 382.	
" 451	... " 383.	
" 452	... " 341.	
" 453	... ..
" 454	... ..
" 455	... ..	Omitted in view of the proposed relegation of the provisions of these sections to by-laws. [See clause 481 (32), (33) and (34).]
" 456	... ..
" 457	... ..
" 458	... ..
" 459	... Clause 392.	
" 460	... ..	Omitted in view of the proposed relegation of the provisions of these sections to by-laws. [See clause 481 (30) and (31).]
" 461	... ..
" 462	... ..
" 463	... Clause 401.	
" 464	... ..	Section 464 (1).—Omitted in view of the provisions of the proposed clause 481 (40). Section 464 (2).—Omitted in view of the provisions of clause 482 (2).
" 465	... ..	Omitted in view of the proposed relegation of its provisions to by-laws. [See clause 481 (40).]
" 466	... Clause 402 (1), (2) and (4).	Section 466 (2).—Omitted in view of the provisions of clause 481 (40).
" 467	... " 402 (3).	
" 468	... ..	Omitted as, in view of the abolition of the General Committee, a similar appeal to the proposed General Appeals Committee is provided for in clause 409.
" 469	... Clause 403.	
" 470	... " 404.	
" 471	... " 405.	

1		2	3
Ben. Act III of 1899.		BILL.	REMARKS.
Section 472	...	Clause 408.	
" 473	...	.....	Omitted in view of the proposed relegation of the provisions of these sections to by-laws. [See clause 481 (20), (30) and (40).] Section 473 (2).—Omitted, as being covered by the general provisions of the proposed clause 510 (3).
" 474	...	.....
" 475	...	.....
" 476	...	.....
" 477	...	Clause 410.	
" 478	...	" 411.	
" 479	...	" 412.	
" 480	...	" 413.	
" 481	...	" 414	Section 481 (1), proviso (ie).—Omitted as it is proposed to do away with this exception in favour of markets registered under the Calcutta Markets Act, 1871, which was repealed so long ago as 1876 by Ben. Act IV of 1876.
" 482	...	.....	Omitted as unnecessary in that it is covered by the proposed clause 414 (1) (a).
" 483	...	Clause 415.	
" 484	...	" 416.	
" 485	...	" 417	Section 485 (2).—Omitted as, in view of the abolition of the General Committee, a similar appeal to the General Appeals Committee is provided in clause 421.
" 486	...	Clause 418.	
" 487	...	.....	Omitted as being reproduced in the proposed clause 418
" 488	...	.....	Omitted as being covered by the provisions of the proposed clause 481 (43) to (51).
" 489	...	Clause 419.	
" 490	...	.....	Omitted as being covered by the provisions of the proposed clause 529.
" 491	...	.....	Omitted as being covered by the proposed provisions of clause 491 (44).
" 492	...	Clause 420	
" 493	...	" 422.	
" 494	...	.....	Omitted as being reproduced in the proposed clause 422(1).
" 495	...	Clause 424.	
" 496	...	" 427.	
" 497	...	" 428	Section 497 (2).—Omitted as unnecessary. Section 497 (3).—Omitted as clause 439 now allows a similar appeal to the proposed General Appeals Committee.
" 498	...	" 429.	
" 499	...	" 430	
" 500	...	" 431.	
" 501	...	" 432	Section 501 (2).—Omitted as unnecessary in that it is covered by the general provisions of the proposed clause 510 (3).
" 502	...	" 433.	
" 503	...	" 434.	
" 504	...	" 435.	
" 505	...	" 436.	

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1 Ben. Act III of 1889.	2 Bill.	3 REMARKS.
Section 506	Omitted as unnecessary and as tending to militate against the operation of the clauses 434, 435 and 436.
" 507	Clause 437.	
" 508	" 438.	
" 509	.....	Omitted as it is proposed to do away with Chapter XXXVI, comprising sections 509 to 512, altogether. Its provisions are considered unsuitable and have proved to be a dead letter. Section 55 of the Calcutta Police Act, 1866 (Ben. Act IV of 1866), provides for the keeping of standard weights and measures. Clause 410(1) (b) of the Bill empowers the Corporation to provide and maintain correct weights, etc., in Municipal markets, and clause 481(49) authorizes the Corporation to make by-laws preventing the use of false or defective weights, etc., in such markets.
" 510	.....
" 511	.....
" 512	.....
" 513	Clause 440	Section 513(2).—Omitted as unnecessary in that the proposed clause 440 provides that information as to a dangerous disease shall be given to the Commissioner in the manner prescribed by him.
" 514	" 441.	
" 515	" 442.	
" 516	" 443.	
" 517	" 444.	
" 518	" 445	Section 518(2) proviso.—Omitted as an appeal to the General Appeals Committee is provided by the proposed clause 453.
" 519	" 446.	
" 520	" 447.	
" 521	" 448.	
" 522	" 449.	
" 523	" 450.	
" 524	" 451.	
" 525	" 452.	
" 526	" 454.	
" 527	.....	Omitted in view of the relegation of its provisions to by-laws [See clause 481(53).]
" 528	Clause 454(5).	
" 529	" 455	Section 529(2).—Omitted. [See remarks against section 527.]
" 530	" 456	Section 530(2).—Omitted. [See remarks against section 527.]
" 531	" 457.	
" 532	" 458.	
" 533	" 459.	
" 534	" 460.	
" 535	.....	Omitted. [See remarks against section 527.]
" 536	Clause 461.	
" 537	.....	Omitted. [See remarks against section 527.]

1 Ben. Act III of 1899.	2 Bill.	3 REMARKS.
Section 538	... Clause 462.	
" 539	... " 463.	
" 540	... " 464.	
" 541	... " 465	... Section 541 (2).—Omitted as unnecessary.
" 542	... " 466.	
" 543	... " 467.	
" 544	... ..	Omitted [See remarks against section 527.]
" 545	... Clause 468.	
" 546	... " 469.	
" 547	... " 470.	
" 548	... " 471.	
" 549	... ..	Omitted in view of the provisions of the proposed clause 481 (61).
" 550	... Clause 472	... Section 550(3). Omitted. [See remarks against section 549.]
" 551	... " 473.	
" 552	... ..	} Omitted. [See remarks against section 540.]
" 553	... ..
" 554	... Clause 394.	
" 555	... " 395.	
" 556	... " 478.	
" 557	... " 479	... Section 557(a).—Omitted as it is proposed, in order to avoid all possible suggestion of prejudice, to relieve the Commissioner of the duties of a "Collector" under the Land Acquisition Act, 1894. Section 557 (d) proviso.—This proviso is spent and no longer required. Section 557(c).—Omitted as it is proposed to allow owners of tanneries, surki mills and other offensive trades to have in future the benefit of clauses fourthly and fifthly of section 23(1) of the Land Acquisition Act, 1894 (Act I of 1894).
558	... Clause 480.	
559	... " 481	... Section 559(1).—Omitted as unnecessary in that clause 98(10) empowers the Corporation to make rules for regulating the conduct of business at meetings of Standing Committees which, it is proposed, shall take the place of Sub-Committees. Section 559(2).—Omitted as it is considered unnecessary to provide for the fixing of any rates of fees other than those prescribed in Schedule VIII, Part II. [See note on Clause 197 in the "Notes on Clauses."]
" 560	... " 482.	
" 561	... " 483.	
" 562	... ..	Omitted as being spent and no longer required.
" 563	... ..	Omitted as clause 481 empowers the Corporation to make by-laws in the place of the General Committee, which it is proposed to abolish.
" 564	... ..	Omitted as unnecessary in view of the provision of section 22 of the Bengal General Clauses Act, 1899 (Ben. Act I of 1899).
" 565	... Clause 485.	
" 566	... " 486.	
" 567	... " 487.	

1 Ben. Act III of 1899.	2 Bill.	3 REMARKS.
Section 568	... Clause 488.	
" 569	... " 489.	
" 570	... " 490.	
" 571	... ..	} Omitted in view of the proposed relegation of the provisions of these sections to by-laws. [See clause 481 (63).]
" 572	... ..
" 573	... Clause 491	
" 574	... " 492.	
" 575	... ..	Omitted as it is covered by clause 492, which amalgamates the provisions of sections 574 and 575.
" 576	... Clause 493.	
" 577	... " 494.	
" 578	... " 495.	
" 579	... " 496.	
" 580	... ..	} Omitted as being covered by the provisions of the proposed clause 492 (Table).
" 581	... ..
" 582	... Clause 497.	
" 583	... " 498.	
" 584	... " 499.	
" 585	... " 500.	
" 586	... " 501.	
" 587	... " 502.	
" 588	... " 503.	
" 589	... " 504.	
" 590	... " 505.	
" 591	... " 506.	
" 592	... " 507.	
" 593	... " 508.	
" 594	... " 509.	
" 595	... " 510.	
" 596	... " 511.	
" 597	... " 513.	
" 598	... " 514.	
" 599	... " 515.	
" 600	... " 516.	
" 601	... ..	} Omitted as these sections are seldom, if ever, resorted to in practice.
" 602	... ..
" 603	... ..
" 604	... ..
" 605	... Clause 517.	

1 Ben. Act III of 1899.	2 Bill.	3 REMARKS.
Section 606	... Clause 518.	
" 607	... " 519.	
" 608	... ..	Omitted. [See remarks against sections 601 to 604.]
" 609	... Clause 520.	
" 610	... ..	Omitted as being covered by the general provisions of the proposed clause 529.
" 611	... Clause 521.	
" 612	... ..	Omitted as unnecessary. Its provisions are difficult to apply and are never resorted to in practice.
" 613	... Clause 522.	Section 613 (2).—Omitted as unnecessary as the "Agent" or "Trustee" has now to obtain the permission of the Court to raise funds, etc.
" 614	... " 523.	
" 615	... " 524.	
" 616	... " 525.	
" 617	... " 526.	
" 618	... " 527.	
" 619	... " 528.	
" 620	... " 529.	
" 621	... " 530.	
" 622	... " 531.	
" 623	... " 532.	
" 624	... " 533.	
" 625	... " 534.	
" 626	... ..	Omitted as the provisions of this section have been incorporated in clauses 532 to 534.
" 627	... Clause 535.	
" 628	... " 536.	
" 629	... " 537.	
" 630	... " 538.	
" 631	... " 539.	
" 632	... " 540.	... Section 632 (5).—Omitted as unnecessary. Section 632 (4).—Omitted as unnecessary in view of the provisions of section 27 of the Bengal General Clauses Act, 1899 (Ben. Act I of 1899).
" 633	... Clause 542.	
" 634	... " 543.	
" 635	... " 544.	
" 636	... " 545.	
" 637	... " 546.	
" 638	... " 547.	
" 639	... " 548.	
" 640	... " 549.	
" 641	... " 550.	

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1	2	3
Ben. Act III of 1899.	BILL.	REMARKS.
Section 642 ...	Clause 551.	
" 643 ...	" 552.	
" 644 ...	" 553.	
" 645 ...	" 557.	
" 646 ...	" 558.	
" 647 ...	" 559.	
" 648 ...	" 560.	
" 649 ...	" 554.	
" 650 ...	" 555.	
" 651 ...	" 556.	
" 652 ...	.....	Omitted as being covered by the provisions of the proposed clause 492 (Table).
Schedule I ...	Schedule I.	
" II, rule 1 ...	" II, rule 1.	
" " " 2 ...	" " " 2.	
" " " 3 ...	" " " 3.	
" " " 4 ...	" " " 4.	
" " " 5 ...	" " " 5.	
" " " 6 ...	" " " 6.	
" " " 7 ...	" " " 7.	
" " " 8 ...	" " " 8.	
" " " 9 ...	" " " 9.	
" " " 10 ...	" " " 10.	
" " " 11 ...	" " " 11.	
" " " 12 ...	" " " 12.	
" " " 13 ...	" " " 13.	
" " " 14 ...	" " " 14.	
" " " 15 ...	" " " 15.	
" " " 16 ...	" " " 16.	
" III ...	" III.	
" IV, rule 1	.....	Omitted as unnecessary in view of the definition of "person" in section 3(32) of the Bengal General Clauses Act, 1899 (Ben. Act I, of 1899).
" " " 2	Schedule V, rule 1.	
" " " 3	" " " 2.	
" " " 4	" " " 3.	
" " " 5	" " " 4.	
" " " 6	" " " 5.	
" " " 7	" " " 6.	
" " " 8	" " " 7.	

1	2	3
Ben. Act III of 1899.	Bill.	REMARKS.
Schedule IV, rule 9	Schedule V, rule 8.	
" " " 10	" " " 9.	
" " " 11	" " " 10.	
" " " 12	" " " 11.	
" " " 13	" " " 12.	
" " " 14	" " " 13.	
" " " 15	" " " 14.	
" V, " 1	" VI, " 1.	
" " " 2	" " " 2.	
" " " 3	" " " 3.	
" " " 4	" " " 4.	
" " " 5	" " " 5.	
" " " 6	" " " 6	Schedule V, rule 6 (d).—Omitted as unnecessary in view of rule 9 of Schedule V to the Bill, which provides that every association entered in the ward election list shall authorize an individual to vote on its behalf, and that such person shall be entered in the ward election-roll or the Muhammadan election-roll, as the case may be, as representing the association.
" " " 7 ...	.....	Omitted as a candidate will not be allowed to stand for more than one ward.
" VI* ...	.....
" VII ...	.....	Omitted as no similar Schedule is required in the Bill, since clause 149 (1) provides that valuations made under Ben. Act III of 1899 shall continue in force for the remainder of the period for which such valuations were made.
" VIII ...	Schedule VII ...	Schedule VIII, sixth and seventh items.—Omitted as it is proposed to abolish the tax on bicycles and tricycles in view of the proposed tax to be imposed on motor-cycles in Schedule VII to the Bill.
" IX ...	" VIII.	
" X ...	" IX.	
" XI ...	" X.	
" XII ...	" XI.	
" XIII ...	" XII.	
" XIV ...	" XIII, rule 4.	
" XV, rule 1	" XIV, " 2.	
" " " 2	" " " 3.	
" " " 3	" " " 4.	
" " " 4	" " " 5.	
" " " 5	" " " 6.	
" " " 6	" " " 7.	
" " " 7	" " " 8.	
" " " 8	" " " 9.	
" " " 9	" " " 10.	
" " " 10	" " " 11.	

* Schedule VI to Bengal Act III of 1899 was repealed by the Calcutta Municipal (Loans) Act, 1914 (Ben. Act IV of 1914), section 2.

1	2	3
Ben. Act III of 1899.	Bill.	REMARKS.
Schedule XV, rule 11	Schedule XIV, rule 12.	
" " " 12	" " " 13.	
" " " 13	" " " 14.	
" XVI, " 1	" " " 21.	
" " " 2	" " " 22.	
" " " 3	" " " 23.	
" " " 4	" " " 24.	
" " " 5	" " " 25.	
" " " 6	" " " 26.	
" " " 7	" " " 27.	
" " " 8	" " " 28.	
" " " 9	" " " 29.	
" " " 10	" " " 30.	
" " " 11	" " " 31.	
" " " 12	" " " 32.	
" " " 12A	" " " 33.	
" " " 13	" " " 34.	
" " " 14	" " " 35.	
" " " 15	" " " 36.	
" " " 16	" " " 37.	
" " " 17	.....	Omitted as considered unnecessary in view of the extended powers proposed to be given under Chapter XIX of, and Schedule XIV to, the Bill.
" XVII, " 1	Schedule XVI, rule 1.	
" " " 1A	" " " 2.	
" " " 2	" " " 3.	
" " " 3	" " " 4.	
" " " 4	.....	Omitted as being covered by the general provisions of the proposed clause 272 (1) (b).
" " " 5	.....	Omitted as unnecessary in view of the proposed clause 345 (1) (b).
" " " 6 ^a	.....
" " " 7	Schedule XVI, rule 8.	
" XVII, " 8	" " " 9.	
" " " 9	" " " 10.	
" " " 10	" " " 11.	
" " " 11	" " " 12.	
" " " 12	" " " 13.	
" " " 13	" " " 14.	Schedule XVII, rule 13 (2).—Omitted as it is considered desirable that old, insanitary one-storeyed buildings should be demolished and should not be allowed to be converted into two-storeyed buildings.
" " " 14	" " " 15.	

^a Schedule XVII, rule 9, was cancelled by Notification No. 543 M., dated the 6th March, 1910.

1	2	3
Ben. Act III of 1900.	BILL.	REMARKS.
Schedule XVII, rule 15	Schedule XVI, rule 16.	
" " " 16	" " " 17.	
" " " 16A	.....	Omitted as being covered by the provisions of the proposed clause 377.
" " " 17	Schedule XVI, rule 23.	
" " " 18	" " " 24.	
" " " 19*	.....
" " " 20	Schedule XVI, rule 25.	
" " " 20A	" " " 26.	
" " " 20B	" " " 27.	
" " " 20C	" " " 28.	
" " " 21	" " " 29.	
" " " 22	" " " 30.	
" " " 23	" " " 31.	
" " " 24	" " " 32.	
" " " 25	" " " 33.	
" " " 25A	" " " 34.	
" " " 26	" " " 37.	
" " " 27†	.....
" " " 28	Schedule XVI, rule 39.	
" " " 29	" " " 40.	
" " " 29A	" " " 41.	
" " " 29B	" " " 42.	
" " " 29C	" " " 43.	
" " " 29D	" " " 44.	
" " " 29E	" " " 45.	
" " " 29F	" " " 46.	
" " " 29G	" " " 47.	
" " " 29H	" " " 48.	
" " " 29J	" " " 49.	
" " " 29K	" " " 50.	
" " " 29L	" " " 51.	
" " " 29M	" " " 52.	
" " " 30	" " " 55.	
" " " 31	.....	Omitted as being covered by the provisions of the proposed rule 55 of Schedule XVI to the Bill.
" " " 32	.....	Omitted as unnecessary in view of the provisions of rule 54 (1) of Schedule XVI to the Bill, under which only one application is necessary.
" " " 33	Schedule XVI, rule 56	Schedule XVII, rule 33 (2).—Omitted as unnecessary.
" " " 34	" " " 58	Schedule XVII, rule 34 (2).—Omitted. [See remarks against Schedule XVII, rule 32.]

* Schedule XVII, rule 19, was cancelled by Notification No. 543 M., dated the 6th March, 1910.

† Schedule XVII, rule 37, was cancelled by Notification No. 164 T.—M., dated the 30th April, 1910.

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1	2	3
BEN. ACT III of 1909.	BILL.	REMARKS.
Schedule XVII, rule 35	Schedule XVI, rule 62.	
" " " 36	" " " 63.	
" " " 37	" " " 68.	
" " " 37A	.....	Omitted as being covered by the provisions of the proposed clause 375.
" " " 38	Schedule XVI, rule 69.	
" " " 39	" " " 70.	
" " " 40	" " " 71.	
" " " 40A	" " " 72.	
" " " 41	" " " 73.	
" " " 42	" " " 74.	
" " " 43	" " " 75.	
" " " 44	" " " 77.	
" " " 45	" " " 78.	
" " " 46	" " " 79.	
" " " 46A	" " " 80.	
" " " 46B	" " " 81.	
" " " 47	" " " 83.	
" " " 48	" " " 84.	
" " " 49	" " " 89.	
" " " 50	" " " 92.	
" " " 51*	.....
" " " 52	Schedule XVI, rule 94.	
" " " 53	" " " 95.	
Schedule XVIII	Schedule XVIII.	
" XIX	" XIX.	
" XX	" XX.	
" XXI	" XXI.	

* Schedule XVII, rule 51, was cancelled by Notification No. 184 T.—M., dated the 28th April 1912.

A. M. HUTCHISON,
(Offg.) Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council.



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EXTRAORDINARY.

WEDNESDAY, DECEMBER 26, 1917.

GOVERNMENT OF BENGAL.

COMMERCE DEPARTMENT.

No. 6265Com.—The 24th December 1917.—The following Press Communiqué issued by the Government of India, Indian Munitions Board, is published for general information:—

GOVERNMENT OF INDIA.

THE INDIAN MUNITIONS BOARD.

PRESS COMMUNIQUÉ.

Delhi, the 21st December 1917.

An estimate is being prepared of the Trade demands for all commodities of urgent national importance which will be made on the United States of America during the first six months of 1918. In order that this may be complete all those who expect to make such demands should supply before tenth January to Secretary, Indian Munitions Board, Delhi, a clear statement of their proposed orders giving quantity, tonnage and value of each commodity separately. Similar information is also required of orders already placed in the United States for which early delivery is desired. As no demand will be included in the estimate unless it is clearly of urgent national importance, full particulars in this respect should be supplied as there is no time for correspondence. All statements should be complete and clearly set out; otherwise the demand will not be included.

J. DONALD,
Secy. to the Govt. of Bengal.



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EXTRAORDINARY.

THURSDAY, DECEMBER 27, 1917.

GOVERNMENT OF BENGAL.

POLITICAL DEPARTMENT.

The following order, issued by the Government of India, Indian Munitions Board, published in the *Gazette of India Extraordinary*, dated the 24th December 1917, is republished for general information.

J. H. KERR,

Chief Secy. to the Govt. of Bengal.

GOVERNMENT OF INDIA.

INDIAN MUNITIONS BOARD.

ORDER.

Delhi, the 24th December 1917.

No. G. 93-A.—In pursuance of section 2 of the Defence of India (Criminal Law Amendment) Act, 1915 (IV of 1915), the Governor General in Council is pleased to direct that the following amendments shall be made in the Defence of India (Consolidation) Rules, 1915, namely:—

1. After sub-rule (4) of Rule 11AA of the said rules the following sub-rule shall be added, namely:—

“(5) Where in pursuance of sub-rule (2) any person determines the compensation to be paid in respect of any product, article or thing placed at the disposal of the Governor General in Council in pursuance of an order made under sub-rule (1) such person need not in determining such compensation have regard to the market value of such product, article or thing but shall have regard—

(a) if the owner of the product, article or thing was the producer or manufacturer thereof, to the cost of production or manufacture and to the rate of profit usually earned in respect of similar products, articles or things before the war and to whether such rate of profit was unreasonable or excessive and to any other circumstances of the case;

(b) if the owner of the product, article or thing was not the producer or manufacturer thereof, to the price paid by the owner therefor and to whether such price was unreasonable or excessive and to the rate of profit usually earned in respect of the sale of similar products, articles or things before the war and to whether such rate of profit was unreasonable or excessive and to any other circumstances of the case :

Provided that, if the owner of the product, article or thing himself acquired the same otherwise than in the usual course of his business, no allowance or an allowance at a reduced rate on account of profit shall be made ;

Provided further that the Governor General in Council may by notification in the *Gazette of India* fix maximum prices to have effect within any area therein named for or in respect of any product, article or thing or class of product, article or thing which can in his opinion be utilized in connection with the prosecution of the present war, and that where a maximum price has been so fixed in respect of any product, article or thing for which compensation is determined under sub-rule (2) no sum shall be awarded as the price or value thereof in excess of such maximum price."

2. After sub-rule (3) of Rule 11 D of the said rules the following sub-rule shall be added, namely :—

"(4) Where in pursuance of sub-rule (2) any person determines the compensation to be paid to the owner of any mine, quarry, mineral deposit, industrial concern or business for any loss immediately attributable to an order made under sub-rule (1), such person need not in determining such compensation have regard to the rate of profit earned by such owner at the time of or immediately prior to such order, but shall have regard to the rate of profit usually earned before the war by the owner of a concern or business of like nature and to whether such rate of profit was unreasonable or excessive and to any other circumstances of the case."

3. After Rule 11 F of the said rules the following rule shall be inserted, namely :—

"11 G.—(1) The Governor General in Council may by order in writing regulate, restrict or prohibit the purchase, sale, delivery of or other dealing in any war material or any product, article or thing required for or in connection with the manufacture, production or supply thereof.

(2) Orders may be made under sub-rule (1) in respect of any person or class of persons and in respect of any class of war material or class of product, article or thing.

(3) If any person fails to comply with any provision of any order made in exercise of the power conferred by sub-rule (1), he shall be deemed to have contravened these rules, and if such person is a company every director and officer thereof shall be deemed to have contravened these rules unless he proves that the failure to comply took place without his knowledge or consent."

T. RYAN,

Secretary, Indian Munitions Board.